

APPENDICES

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Appendix A: Precedence of Projects

- **City Council Proceedings**
- **Planning Board Meeting Minutes**
- **City Correspondence**

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

REGULAR COUNCIL MEETING

May 28, 2002

CALL TO ORDER

The regular council meeting was held Tuesday, May 28, 2002, in the Conference Room at City Hall. Mayor Metzenberg called the meeting to order at 7:00 p.m. Council members present were Ruben Oberlander, Bill Melnik, Bill Wolf, Doug Leidholt, Jerry Partridge, Sharon Kearnes and John Taylor. Councilperson Bob Palke was excused.

Also present were Fire Chief Brent Christopherson, Police Chief Lissa Power, Director Pat Rogers, City County Planner John Marks and Ambulance Billing Clerk Donna Ellett.

APPROVAL OF COUNCIL MINUTES

- Regular Council Minutes: May 14, 2001

****** *Councilperson Leidholt moved to dispense with the reading of the minutes and that they be accepted and filed. The motion was seconded by Councilperson Wolf and passed unanimously.*

REQUEST OF CITIZENS

- Tom McKerlick - Update of Economic Development

Mr. McKerlick gave the council an update on the progress of the Miles City Area Economic Development Association. He thanked the Council for the City's contribution of \$5,000 last year and made a request that the Council consider the same amount for next year.

He also requested a letter of support from the City Council for the paving of the Tongue River Road. Mayor Metzenberg said that he would draft a letter and have it ready for the next Council Meeting on June 11, 2002.

PUBLIC HEARINGS

- Ordinance #1131: Amending Section 2-376 of the Code of Ordinances on Airport Landing Fees

Mayor Metzenberg called for public comment three times and hearing none declared the hearing closed.

- Ordinance #1132: Administrative Changes to Building Code Ordinances

Mayor Metzenberg called for public comment three times and hearing none declared the hearing closed.

- Resolution #2934: Conduct of Public Meetings

Mayor Metzenberg called for public comment three times and hearing none declared the hearing closed.

OLD BUSINESS

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

- Ordinance #1131: Amending Section 2-376 of the Code of Ordinances on Airport Landing Fees

Complete text of Ordinance #1131 may be found in Council Minutes of April 23, 2002
- ** *Councilperson Leidholt moved to accept the ordinance by title only, seconded by Councilperson Oberlander and, on roll call vote, motion carried. Ordinance #1131 was adopted.*
- Ordinance #1132: Administrative Changes to Building Code Ordinances
- ** *Councilperson Kearnes moved to accept the ordinance by title only, seconded by Councilperson Leidholt and, on roll call vote, motion carried. Ordinance #1132 was adopted.*
- Resolution #2934: Conduct of Public Meetings
- ** *Councilperson Oberlander moved to accept the ordinance by title only, seconded by Councilperson Taylor and, on roll call vote, motion carried. Resolution #2934 was adopted*

APPROVAL OF COMMITTEE REPORTS & MINUTES

- Finance Committee

FINANCE COMMITTEE

May 20, 2002

The Finance Committee met Monday, May 20, 2002 at 6:30 p.m. in the City Hall conference room. Present were Chairman Councilman Ruben Oberlander, committee members Councilmen John Taylor and Doug Leidholt, Mayor Mike Metzberg, City Clerk Patty Huss, Fire Chief Brent Christopherson and Ambulance Billing Clerk Donna Ellett.

Proposed Increases in Ambulance Rates and Services

Councilman Taylor noted that from the materials and graphs previously presented to the Finance Committee, out of the six cities represented (not including Miles City), the Basic Life Support (BLS) charge was between \$450 and \$580, the Advanced Life Support (ALS) charge was between \$505 and \$620 and their oxygen runs between \$25 and \$45. Also, Councilman Taylor stated he felt the proposed oxygen rate of \$50 per unit seems high, and further that he was not in favor of tying the Consumer Price Index for Medical Services (CPI) to the annual Cost of Living Adjustment (COLA). He would favor a COLA of 6 to 8 percent per year. Chief Christopherson stated he felt strongly on the issue of building a COLA into the new ordinance, as it would be much easier for the public to absorb smaller annual increases than to get hit with large increases every three to six years.

- ** *Councilman Taylor moved to recommend accepting and implementing new rates as follows:*

<i>Basic Life Support</i>	<i>\$475 per call (two hour maximum)</i>
<i>Advanced Life Support</i>	<i>\$550 per call (two hour maximum)</i>
<i>Patient Transport Mileage</i>	<i>\$8.50 per loaded mile</i>
<i>Flight Team Transportation</i>	<i>\$100</i>
<i>Standby for Civic Functions</i>	<i>\$100</i>
<i>Oxygen</i>	<i>\$40 for first hour or part thereof, \$31 for each subsequent ½ hour or part thereof</i>
<i>COLA of 8% per year for the next three years on all rates, excluding Flight Team Transportation and Standby for Civic Functions.</i>	

Motion seconded by Councilman Doug Leidholt and carried by the committee.

The meeting was adjourned at 7:05 p.m.

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

****** Councilperson Oberlander moved to file the minutes and accept the recommendations, seconded by Councilperson Kearnes and carried.

- Human Resource Committee

HUMAN RESOURCE COMMITTEE

May 20, 2002

Committee Chairperson Sharon Kearnes called the meeting to order at 2:00 PM. In attendance were committee members Bill Melnik, John Taylor and Bill Wolf along with Mayor Mike Metzenberg.

Chairperson Kearnes explained that the meeting agenda included a request from Herbert Perkins of the Water Plant for Leave Without Pay (LWOP) as well as for the committee to review the probationary evaluations and make a recommendation on confirmation for two part-time dispatchers, Dawn D. Hedge and LaJuan Kope with the Miles City Police Department.

Chairperson Kearnes declared the meeting closed at the request of Mr. Perkins who expressed a request for privacy on medical information related to his request. Mr. Perkins and his supervisor, Allen Kelm were in attendance and the committee discussed Mr. Perkin's request for leave without pay & medical condition with them in closed session.

Mr. Perkins and Mr. Kelm were excused and Chief of Police Lissa Power appeared to present the probationary evaluations of the two dispatchers. Chairperson Kearnes explained that she had requests from both employees for closed session; they understood they could attend the review and they chose to not attend. The chair declared and the committee, as well as the Mayor, agreed that such probationary review sessions should be closed sessions unless the employee specifically waives their right to privacy.

Following a review of the recommendations of the Police Department Supervisors on Ms. Hedge and Ms. Kope, Chairperson Kearnes declared the meeting open and in open session the committee passed the following motions unanimously:

Motion made by Councilman Taylor and seconded by Bill Wolf to support Mr. Perkins submitting a letter of resignation from City employment effective July 31, 2002 and his remaining on LWOP until that time. Mr. Perkins hopes by that time to have a final medical determination on a disability.

Motion made by Councilman Taylor and seconded by Councilman Melnik to recommend to the council that Dispatchers Dawn Hedge and LaJuan Kope be confirmed as permanent employees based upon the recommendations of their supervisors.

Chairperson Kearnes adjourned the committee meeting at 2:53 PM.

****** Councilperson Kearnes moved to file the minutes and accept the recommendations, seconded by Councilperson Taylor and carried.

NEW BUSINESS

- Discussion on Stower Street Project

Mayor Metzenberg opened the discussion on the Stower Street Project to the public. Both Ray Mingle and Bill McChessney from the Dept. of Transportation were present to answer questions regarding the proposed projects for Miles City. These include Wilson Street, Strevell Street and Stower Street and explained the changes that these projects will make to these streets as far as width of streets, curbing and sidewalk plans, etc.

****** Councilperson Taylor moved to accept the project for Strevell Street as presented, seconded by Councilperson Oberlander and carried.

****** Councilperson Oberlander moved to accept the project for Wilson Street as presented, seconded by Councilperson Leidholt and carried.

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

There were several comments from the crowd regarding the project for Stower Street. Pat Kelly, Bob Griswold, Karen Morris and Ed Martin had questions and expressed concerns regarding the project stating that there would be too much traffic past the school and church on the street and the destruction of some of the established trees on the boulevards.

****** Councilperson Leidholt moved to accept the entire proposal as presented for the Stower Street project, seconded by Councilperson Oberlander and carried with Councilperson Partridge voting against.

- Resolution #2937: Authorizing FY 01/02 Budget Line Item Transfers

****** Councilperson Leidholt moved to accept the resolution by title only, seconded by Councilperson Melnik, and on roll call vote, motion carried. Resolution #2937 was adopted.

- Resolution #2938: Approving Agreement for Street Cleaning & Flushing

****** Councilperson Melnik moved to accept the resolution by title only, seconded by Councilperson Kearnes, and on roll call vote, motion carried. Resolution #2938 was adopted.

- Resolution #2939: FY 01/02 Budget Amendment-Radar Equipment Grant with DOT

****** Councilperson Melnik moved to accept the resolution by title only, seconded by Councilperson Oberlander, and on roll call vote, motion carried.

- Amended Plat for Horizon Park Tract G

City/County Planner John Marks presented plans for an amended plat for Horizon Parkway and recommended approval without condition.

****** Councilperson Wolf moved to accept the amended plat for Horizon Parkway without condition, seconded by Councilperson Oberlander and carried.

- Ordinance #1133: Ambulance Rate Increases

****** Councilperson Kearnes moved to accept the resolution by title only, seconded by Councilperson Oberlander, and on roll call vote, motion carried with a 5 - 2 vote. Councilpersons Melnik and Partridge were opposed.

- Excavation Continuation Certificate - Mid Rivers Telephone Coop

- Excavation Continuation Certificate - Cable & Communication Corp.

- Excavation Continuation Certificate - Frank Hartman/Hartman Const.

Mayor Metzenberg presented all three Excavation Certificates to the Council.

****** Councilperson Melnik moved to accept the Excavation Continuation Certificates from Mid-Rivers Telephone Coop, Cable & Communication Corp., and Frank Hartman Const., seconded by Councilperson Leidholt and carried.

APPOINTMENTS

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

- None

MAYOR'S REPORT

Mayor Metzenberg announced that each of the three Union have had one meeting and have another meeting scheduled.

ROUNDTABLE

BILL WOLF

...stated that there has been no progress on the Parks Plan.

SHARON KEARNES

...thanked the City for allowing Garfield School to use Bender Park for their play day and opening the restrooms for this event.

...she also reported that she has had many positive comments on the changes that have taken at Spotted Eagle. It is quieter and has a much more relaxed atmosphere.

RUBEN OBERLANDER

...will have Finance Committee Meetings on the alternate Tuesdays of the Council Meeting when needed. Please get agenda items to him.

DOUG LEIDHOLT

... requested all Council members sign the documents needed to proceed with the State Funded Highway Project before leaving.

CHIEF POWER

...reported that another Police Officer has been hired. Troy Crump will begin working on June 12, 2002. They will begin the process to hire another officer right away.

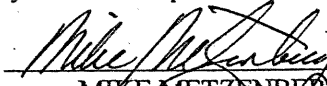
CHIEF CHRISTOPHERSON

...requested a Human Resource meeting be scheduled so that they may discuss a probationary Fire Fighter.

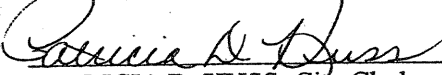
DONNA ELLETT

...expressed her thanks to the City during her time of employment.

** On motion, the meeting was adjourned at 8:49 p.m.


MIKE METZENBERG, Mayor

ATTEST:


PATRICIA D. HUSS, City Clerk

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

- ** *Councilperson Kearnes moved to reject the offer of the land parcels, seconded by Councilperson Meidinger and passed unanimously.*

-- **Planning Board's Recommendation on Urban Street Projects**

The City/County Planning Board recommended the following projects:

1. 1st priority: Reconstruction of Wilson Street (access to the hospital complex)
2. 2nd priority: Stower Street between S. Strevell and S. Haynes (to the traffic light on S. Haynes)
3. 3rd priority: Improvement on S. Strevell south of Wilson (route to hospital complex)

It was stated that both the City Council and the County Commissioners should agree on these three priorities. A meeting with the City Engineer's office and the DOT is scheduled in the near future. At that meeting it will be decided whether the Department of Transportation will do the design or whether it will be contracted to an engineering firm.

- ** *Councilperson Partridge moved to approve the Planning Board's recommendations, seconded by Councilperson Melnik and passed seven to zero, with Councilperson Meidinger abstaining.*

MAYOR'S REPORT

As the mayor was ill, there was no mayor's report.

ACTION AGENDA

Any discussion on the Action Agenda is indicated by ***bolded, italicized*** lettering.

January 12, 1999

1. **Tongue River Railroad**
 - >> 1/10/95: The Montco Mine permit was denied, which would seem to push this issue into the distant future.
 - >> 1/24/95: Councilperson Kearnes asked if the council would consider signing a letter asking for reconsideration of the Monaco Mine permit denial. Mayor Kurkowski said he would contact Mike Gufstason to see if there is anything we can do.
 - >> 3/28/95: Leave on for now.
 - >> 1/9/96: Leave on
 - >> 9/96: Received mining permit
 - >> 8/11/97: Mentioned that South Dakota is now working on a similar railroad line to the Tongue River line.
 - >> 8/26/97: Asked the council to read an article in the Miles City Star regarding the Tongue River Railroad
 - >> 11/6/97: Mayor Kurkowski noted that the Supreme Court has rejected MONTCO's mining permit - they have to start all over again because they waited too long.
 - >> 2/1/98: Land appraisals of right-of-way were to begin.
2. **Dike**
 - >> 2/22/94: Mayor Kurkowski said he heard from the Corps of Engineers, who have washed their hands of it until we can get access to that disputed portion. Attorney Carr will send a letter to the individual and ask if he will cooperate on the access question.
 - >> 6/28/94: Jim Carr has sent a letter; has received no response.
 - >> 11/9/94: Jim has received some information
 - >> 1/24/95: The way is now clear for the Corps to complete its assessment whenever they can arrange to do so

Excerpt
City Council minutes
January 12, 1999

Miles City - Custer County

City-County Planning Board

City Hall
P.O. Box 910
Miles City, Montana 59301
(406) 232-6339

PLANNING BOARD MEETING MINUTES

December 15, 1998

5:15 p.m.

The City-County Planning Board met in the Conference Room for its regular monthly meeting. Members present were George Luther, Dennis Bakken, Dick Christopherson, Dan Connors, John Menyhart, Kathy Doeden, Pat Rogers, Mayor Kurkowski, Jerry Backlund, Curt Almy and Planner-Marks. Not present was Ed Beyl. Others present were Miles City Star and County Attorney Bunke.

The meeting was called to order at 5:20 p.m. by President-George Luther. A quorum was present.

APPROVAL OF MINUTES: Connors moved for approval of the minutes from the September 15th, October 20th and November 17th, 1998 meetings and public hearing, seconded by Christopherson and passed unanimously.

NEW BUSINESS: Re-appointment of Board Members: The Mayor pointed out that Board member, Dick Christopherson, term does not expire until 12/99. Board members John Menyhart, Kathy Doeden and Jerry Backlund were reappointed to the Board for another two year term.

OLD BUSINESS: Urban Streets - The Planning Board conducted a public hearing in October, 1998, to receive the public's input for the Urban Streets Project. Some negative as well as positive comments were received on the extension of the Stower Street project. This was the first phase of the project for both the County and City. Since the meeting/public hearing, Marks has visited with Bob Bennett, President of MCC. From the college's prospective, Stower Street would work better for them. It would take away a lot of traffic load from Dickinson Street. The Mayor noted that people have already organized a protest for the Stower Street project. Marks noted the possibility of an underpass on 8th Street due to high train traffic once Tongue River Railroad comes to town. Eighth Street flows into Stower Street which gives support to the extension. Rogers commented that we need to get our three priorities into the State, as soon as possible, so they can review them and start the designing. Rogers moved to recommend to the City Council and County Commissioners that Wilson Street be the first priority, Stower Street from South Strevell to South Haynes Avenue, second priority and South Strevell Avenue be the third priority, seconded by Backlund and passed unanimously. *

Stower Street Realignment - Planner Marks gave the Board an update of how Stower Street would be realigned in the Michels Addition. Bunke spoke concerning the complexities of the state statutes regarding the handling of park land. After further discussion, Marks recommended approval of this plat without conditions.

Bakken moved that the Stower Street Realignment Plat be approved without conditions, seconded by Rogers and passed unanimously.

Landscaping Ordinance - A public hearing needs to be set on the landscaping ordinance and other changes in the local Subdivision Regulations. Once the hearing is completed, the changes may be approved and adopted by the City Council and County Commissioners, after a 30 day waiting period and put into effect. The public hearing date has been set for January 19, 1999, in the Council Chambers at 7:00 p.m.

Drainage Study - Rogers reported that he should have something on this at our next meeting. He still needs to get together with Roger Muggli.

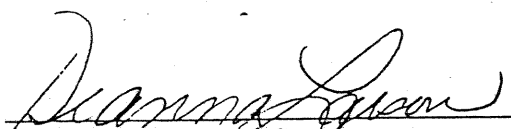
Update on Notbohm Motors - Rogers noted that Notbohm's agreed to pave 30 feet from the intersection of Meadows Avenue, east to their driveway approach. This does not include curb and gutter on the south side due to private property.


PLANNER REPORT: Marks reported Main Street Beautification is moving along. Gravel, tree grates and tree guards left to be finished. The Art Center is all but done. Coal Grant applications - we need to be more specific on our needs and descriptions. The County will review engineering proposals for RID #1 at 7:00 p.m., December 17, 1998 to select the engineer for the project. Marks reported that there is an opportunity to get a hold of the old BN Depot - for public use of some kind.

CLAIMS: The following claim were submitted for payment, but needs approval by the Board. Claim submitted were: US West - \$52.23, \$52.22, \$52.23, John Marks - \$41.60, Frontier - 19.68, \$45.20, \$41.15. Kurkowski moved for approval, seconded by Menyhart and passed unanimously.

With no further business, the meeting was adjourned at 6:15 p.m.

Respectfully submitted,


Dianna Larson, Secretary


George Luther, President

Miles City - Custer County

City-County Planning Board

City Hall
P.O. Box 910
Miles City, Montana 59301
(406) 232-6339

**PUBLIC HEARING
&
PLANNING BOARD MEETING MINUTES
October 20, 1998
7:00 p.m.**

The City-County Planning Board met in Room 106 at Miles Community College for a public hearing and its regular monthly meeting. Members present were George Luther, Dennis Bakken, Dan Connors, Curt Almy, Pat Rogers, and Planner-Marks. Excused from the meeting were Dick Christopherson, Mayor Kurkowski and John Menyhart. Not present were Jerry Backlund, Kathy Doeden and Ed Beyl. Others present were indicated on the attached sign-in sheet.

The hearing was called to order at 7:05 p.m. by President-George Luther. Despite the lack of a quorum, the President decided to continue with the hearing and meeting. Final approval of the items discussed will be conducted at the next scheduled meeting.

PUBLIC HEARING

URBAN STREETS PROJECTS: Luther explained that the hearing was to receive public input on the urban street project proposals. Pat Rogers gave some background information on these proposed projects. Rogers explained that a couple of months ago, Montana Department of Transportation (MDOT) held a meeting in Glendive, of which Planner Marks and Rogers attended. The item discussed was the Urban Streets Project funding. Rogers noted that Miles City is expected to be eligible for \$1.4 million by the year 2003 to be used for street construction projects on designated urban roads. The City and County were asked to establish a list of street priorities. This list was discussed at the last planning board meeting. The first is to improve Wilson Street between South Strevell and South Haynes Avenue. The second project is to work on Stower Street from South Sewell to South Haynes Avenue. The third option was improving Strevell to the south towards the Cemetery. Luther then asked for public input.

Pat Kelly resides at 602 So Strevell, he spoke for himself and some of his surrounding neighbors. He and some neighbors are against the Stower Street project (see attached protest list). Kelly noted the first thing to look at is a need. He stated there is no need for this project on Stower. Kelly explained that Stower's function is not to service the commercial traffic needs of Haynes Avenue, it should be used to serve residential only. He contended that Highland Park School, First Lutheran Church's preschool and after school programs and a day care are located within

this area and noted several accidents that have occurred on the corner of Stower and Cale. He indicated there are too many young children in this area for the City to increase the traffic and

added it would also change the neighborhood and lower property values. Kelly asked the Board not to consider the plan or make it their lowest priority.

Miles Community College President, Bob Bennett, came to the hearing to speak in favor of the Stower Street project by reducing the traffic through the College by moving it south to Stower. After listening to Kelly's comments, he did not want to endanger the children's safety. Bennett did note he would like to know more about the situation. He commented that he lives on Main Street and said there is a need for people to get to Haynes Avenue other than using Main Street because of heavy traffic. He also noted some concerns about the truck traffic on Main Street, possibly detour the truck route onto Valley Drive East.

Evan Ockey, Walmart's Manager, spoke in favor of the project. He noted that even though the project would improve his business, he too is a father of four and understands the traffic problems around Highland Park School. Ockey felt that a four-way stop around the school would help improve the safety. He noted that Stower Street starts out as a wide street with good visibility and brings motorists from downtown to Strevell, then suddenly Stower becomes a small road. If improved with sidewalks, widened, curb and gutter, it would help. Ockey explained that business has been good on South Haynes and downtown because traffic is flowing between the two. As traffic continues to increase and becomes more difficult to travel from one end of town to the other, shoppers are going to start limiting themselves to one end or the other per trip, which will hurt everyone.

Mary Squires of 29 Broken Bow Lane in the Hardesty Addition, spoke in support of improving Strevell Avenue to the Cemetery. She commented the road needs to be wider for a jogging and bike route. Connors explained the property owners were not in favor of widening the road in the past. Now with the increase in growth in that area, they may be more open to the idea.

Pat Rogers of the City Engineer's Office explained if the City decides to go through with the Stower plan, every safety aspect will be considered. Rogers commented that Stower Street is one of the City's main arterial street. He also pointed out that other schools have busy streets running alongside them and traffic problems can be worked out. Rogers explained the school would prefer the heavier traffic to be on the north end of the school instead of the south end, like it is now, where the children are dropped off. Once these projects are decided on, MDOT goes to great lengths to study the affected areas, such as traffic, safety, design and also involves a consulting firm. This is not something that happens overnight.

Luther stressed that the Board is only advisory and its decision is only a recommendation to the elected City and County governing bodies. He also noted this public hearing was the first of many on this subject.

Marks noted if any one has more questions or concerns, to please feel free to call the Planning Office or the City Engineer's Office. He explained that he was working on a railroad overpass project to help relieve the train traffic problem.

With no more comments from the audience, the hearing was closed.

Closed the Public Hearing @ 7:55 p.m.

The Planning Board meeting was brought to order at 8:00 p.m.

APPROVAL OF MINUTES: No action was taken.

PLANNER REPORT: Marks reported that Main Street Beautification is still moving along. Requests for Proposals have been called for on RID #1 and busy working on many miscellaneous items.

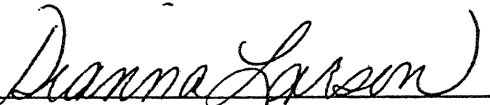
NEW BUSINESS: None.

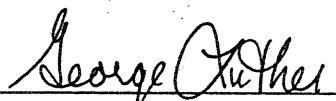
OLD BUSINESS: Boughton Subdivision - contact Luther for his signature when the final plat is ready. Almy asked for the status on the Rural Addressing project. Marks reported the project was all but complete. All that is left is the funding for the signs and sign posts. Stower Street in the Michels Addition - needs a resolution from the County Commissioners. Connors noted the petition in is the County Attorney's Office.

CLAIMS: No action taken.

With no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,


Dianna Larson, Secretary


George Luther, President

Attachments

RECEIVED 10/20/1
FROM PAT KELLY
PLANNING BOARD
HEARING
J. KATHIE

TO: THE CITY-COUNTY PLANNING BOARD

The undersigned object to the proposal to extend Stower Street from Sewell Avenue to South Haynes Avenue.

Betty Gaskill
Signature
Betty Gaskill
Printed Name
2507 Gaskill
Address

William Raschka
Signature
William Raschka
Printed Name
509 S Sewell
Address

Becky Guesenberry
Signature
Becky Guesenberry
Printed Name
579 S. Strevell
Address

Barbara Shannon
Signature
Barbara Shannon
Printed Name
579 S. Strevell
Address

Janet Kelly
Signature
Janet Kelly
Printed Name
602 S Strevell
Address

Donna Konins
Signature
Donna Konins
Printed Name
2502 Stower
Address

Donald Hartmann
Signature
HARTMANN
Printed Name
2211 STOWER
Address

Lois Mathison
Signature
Mathison
Printed Name
2025 Stower
Address

Lois Werroll
Signature
Werroll
Printed Name
2021 Stower
Address

Signature

Printed Name

Address

Robert Morgan
Signature
Morgan
Printed Name
2214 Stower
Address

Eleanor Hartmann
Signature
HARTMANN
Printed Name
2211 STOWER
Address

Janice Orrall
Signature
Orrall
Printed Name
2021 Stower
Address

Pat Kelly
Signature
KELLY
Printed Name
602 S. STREVELL
Address

Signature

Printed Name

Address

TO: THE CITY-COUNTY PLANNING BOARD

The undersigned object to the proposal to extend Stower Street from Sewell Avenue to South Haynes Avenue.

KMS

Signature

Printed Name

2016 Stower

Address

Roberta Flasted

Signature

ROBERTA FLASTED

Printed Name

1916 Stower

Address

Arzella Olson

Signature

ARZELLA OLSON

Printed Name

211 S. LAKE AVE.

Address

Lorene Neffsy

Signature

LORENE NEFSY

Printed Name

600 S. CUSTER AVE

Address

Sally Phalen

Signature

Sally Phalen

Printed Name

600 S. Lake St.

Address

TERRI NEWBY

Signature

TERRI NEWBY

Printed Name

6013. Lake

Address

Signature

Printed Name

Address

Signature

Printed Name

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Printed Name

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Printed Name

Address

703 S. Cale
Miles City, MT 59301
October 22, 1998

John Marks
City/County Planning Board
City Hall
Miles City, MT 59301

Dear Mr. Marks and the Board:

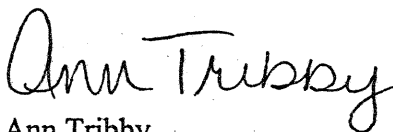
I would like to respond to the proposal to expand Stower Street out to Haynes Avenue. I think it is a great idea. The traffic and congestion on Main Street leading out to Haynes warrant another access to Haynes from the downtown area.

I would especially like to address the remarks made by Mr. Kelly which were printed in the Star. It is true there are plenty of young children in the area, but I would like to point out a few things. Highland Park School is adjacent to Stower Street, in particular, the playground. However, the entire playground area adjacent to any street is fenced with an 8' to 10' high chain link fence. Living directly across the street from the school and observing traffic patterns, I would say most children who are dropped off at the school get out at least a block away from the Stower Street intersections. As an additional thought, the south end of Highland Park School is next to Comstock Street. This is also a busy through-street to Haynes. I don't believe there have been many safety concerns with the school and the street.

It is true there are a child care facility and a preschool facility in the area. But, they are not located adjacent to Stower Street. They are located a block to the north. The child care facility also has a chainlink-fenced yard and parents are responsible for taking their children directly to the door of the facility. The preschool parents use the entrance to the First Lutheran Church which faces Batchelor Street.

I would like to address the traffic accident problem Mr. Kelly mentioned. There have been several accidents at the corner of Stower and Cale. In my opinion these have occurred because the 15 mph speed limit in the school zone is not very well enforced and because the intersection is uncontrolled. If Stower Street is expanded through to Haynes, I would like to see a four-way stop at Stower and Cale and Stower and Earling. This would slow down traffic in the school zone and allow for greater safety of children going to and from school.

Sincerely,


Ann Tribby

Miles City - Custer County

City-County Planning Board

City Hall
P.O. Box 910
Miles City, Montana 59301
(406) 232-6339

PLANNING BOARD MEETING MINUTES

September 15, 1998

5:15 p.m.

The City-County Planning Board met in the Conference Room for its regular monthly meeting. Members present were George Luther, Dennis Bakken, Dick Christopherson, Dan Connors, John Menyhart, Kathy Doeden, Pat Rogers, Mayor Kurkowski and Planner-Marks. Excused from the meeting was Curt Almy. Not present were Jerry Backlund and Ed Beyl. Others present was Miles City Star.

The meeting was called to order at 5:20 p.m. by President-George Luther. A quorum was present.

APPROVAL OF MINUTES: Connors moved for approval of the minutes from the August 18, 1998 meeting, seconded by Bakken and passed unanimously.

PRIORITIES FOR URBAN STREETS PROJECTS: Pat Rogers explained to the Board that Miles City is eligible for money to be used for street construction projected on designated urban streets. A list of the streets were sent to Rogers and we need to prioritize the top three. Two have already been decided they are Wilson Street from South Strevell to South Haynes Avenue and Stower Street from South Sewell to South Haynes Avenue. After further discussion, the Board decided to recommend improving South Strevell to the Cemetery as the third project. Public input is needed, so a hearing has been set for Tuesday, October 20, 1998 at 7:00 p.m. at the Miles Community College.

PLANNER REPORT: Marks reported that Main Street Beautification contractor is in town and should start to see some changes on Main Street in a few weeks. The Request For Proposal (RFP) has been written for the Rural Improvement District #1 and in the hands of County Attorney Bunke for review. The Art Center improvements are nearly completed. Nothing has been received on the Coal Grants. Connors expressed concern over the possibility the Legislature will not appropriate any coal impact funds if the Tongue River Railroad comes to Miles City. He suggested the Board to set priorities of what projects the area would use and to talk with legislators before the next session. Marks and Rogers met with Jim Michels to show him the revised plat of the Stower Street extension between Walmart and Big "R". Michels liked the design. Bunke will assist in obtaining the necessary code citations on the petition.

NEW BUSINESS: Westwood Estates, (Tom Falconer-Owner), better known as the Alberts Trailer Court, is wanting to install more trailer spaces. Falconer wants to install the new spaces on what is designated as park land (open space), which is the storm drainage area for the trailer court. After more discussion, Connors moved to recommend maintaining the Open Space and in addition, that all other community impacts must be addressed prior to any else appearing, seconded by Bakken and passed unanimously.

Notbohm's: This new business will be located on Comstock & Michels Street next to Big "R". Marks explained the site plan to the Board. In his review of the site plan, Notbohm's is proposing to pave their half of Comstock Street for only the length of their development. Marks is recommending the street be paved the full width and length, which would make the street a two lane with no parking. After further discussion, Connors moved for Notbohm's to go from 20' to a 30' paved street, seconded by Kurkowski and passed unanimously.

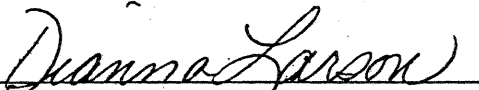
Leitholt's: This new business will be a Restaurant/Casino located on Stower Street next to Video Library. Marks explained the site plan to the Board. Everything appears to be adequate. There is a question concerning the deliveries. John will suggest off street parking for the freight deliveries. Another concern was the access off Stower Street on the northwest corner be double wide. Christopherson moved for the off street delivery and double width on the access off Stower, seconded by Menyhart and passed unanimously.

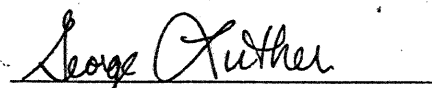
OLD BUSINESS: Boughton Subdivision is a 6 lot subdivision that the Board gave conditional approval. One condition was DEQ approval, which we now have. Another recommendation was dogs at large, domestic, exotic animals and other activities that are not comparable with surrounding agriculture business. All other conditions have been satisfied. John asked the Boards permission to go ahead with the paperwork and appropriate covenants and take to Luther for signature rather than waiting for the next planning board meeting. Christopherson moved for John to do what is necessary to expedite the paperwork on the Boughton Subdivision, seconded by Doeden and passed unanimously.

CLAIMS: The following claim was submitted for payment, but needs approval by the Board. Claim submitted was: US West - \$52.22. Kurkowski moved for approval, seconded by Rogers and passed unanimously.

With no further business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,


Dianna Larson, Secretary


George Luther, President

Miles City - Custer County

City-County Planning Board

1905 Main

Miles City, Montana 59301

President: Fred B. Hunnes

Vice-President: Les Mahon

Minutes of July 23, 1984

The City-County Planning Board met in postponed regular session Monday, July 23, in the Planning Office. Present were: Members Ole Sherwood, George Kurkowski, Bruce Bergerson, Arlo Nansel, Fred Hunnes, Otto Neuhardt, Pat Rogers, Tom Pettigrew, and Steve Wheeler; Guests Mike Strouf, Wayne Bahr, Sidney Holmlund, Ron Zabrocki, Art Taft, and Jackie Lang; Planner Rick Jones. Members Marum and Mahon were excused.

President Hunnes called the meeting to order at 7:30 p.m. Mr. Rogers moved the minutes of June 18 be approved as presented. Mr. Kurkowski asked if there were any developments on the fairgrounds sewer grant application. Planner Jones said the application was submitted, and preliminary ranking should be done by September 1. The minutes were approved.

President Hunnes then opened the public hearing on the Draft Custer County Needs Assessment, recognizing that proper notice had been published and public service announcements were sent to radio and television stations. Jones reviewed the contents of the Assessment (copy attached) and explained the committees' work and recommendations.

The Board then discussed each project in some detail, accepting comments from the audience as offered. A summary of comments is presented below.

Fairgrounds Sewer System: Members noted the construction could help in providing service for future commercial use in the area. Mr. Taft supported the high priority given this project, citing the economic importance of fairgrounds events.

Elgin Park Sewer Extension: The Board discussed how replacing septic systems would have a positive effect on the quality of domestic water in the area, which is derived totally from wells. Mr. Zabrocki agreed, noting small lot sizes and closeness of wells and drainfields. Mr. Bahr and Mr. Holmlund spoke in favor of the project, as residents of the area. They added that they would like to see water lines extended, but recognizing cost factors agreed that sewer would be more important. Members noted that the project would not encourage new development in the floodplain because of elevation requirements. The purpose would be to improve conditions for existing residences.

Members suggested adding the C&L Trailer Court, which lies just West of the Elgin Park Addition. It was included in the committee recommendation but was left out of the Draft.

Flood Control Levee: no additional comments.

Grade-Separated Railroad Crossing: Members discussed relative costs of over- and under-passes, agreeing that street underpasses were probably less expensive. Staff directed to look into this.

Board Members: Bruce Bergerson, Tom Marum, George Kurkowski,
Les Mahon, Dr. Arlo Nansel, Otto Neuhardt, Tom Pettigrew,
Pat Rogers, Ole Sherwood, Steve Wheeler

Members also discussed counties' powers with Public Service Commission to petition for such improvements. The specifics of this authority will be looked into further. Mr. Taft questioned whether Tongue River Railroad Company should have to face this issue alone, or if Burlington Northern should play a role. Dr. Nansel explained that the Board was seeking answers to how construction responsibility would be assigned, rather than whom. The ICC hearing was determined to be a good opportunity for this discussion.

Stower Street Extension: Members discussed past Planning Board actions identifying this and other future streets. Completion of the east half of Sewell between Stower and Bachelor was also mentioned. All of these would require private dedication of new street right-of-way. Mr. Rogers noted that identifying these future roads alerts land-owners and building officials to avoid new construction in a future right-of-way. *

Housing: Mr. Strouf indicated that the Miles City Housing Authority would agree with the statements. Surveys showed an 80%-85% substandard housing rate in the areas identified. The Authority also agrees that there is no apparent need for new units.

FAA-AFSS: Mr. Taft explained that the FAA is scheduled to announce the award of this project in October. He indicated that Miles City would have to be considered in the running.

Industrial Area: Members discussed service limitations at the existing Industrial Site. Mr. Taft suggested that "industrial parking" was on its way out. The Chamber of Commerce now sees tourism as the key to economic development for this area.

Overall Comments: Mr. Bahr and Mr. Holmlund reiterated their support for a housing rehabilitation program with sewer extensions.

Mr. Rogers moved that the Board adopt the Draft Needs Assessments with the addition of the C&L Trailer Court to the Elgin Park Sewer Extension. Mr. Pettigrew seconded; Motion carried. The hearing was closed at 9:05 p.m.

Mr Kurkowski moved the claims be approved. Mr. Neuhardt seconded.

MDU	\$39.80
Rowland Thomas	1000.00
Mt. Coal Board	1799.14
AT&T	40.96
Mountain Bell	47.97
F.W LaGrandeur	370.00
Sterling Tech. Products	4.95
Rick Jones	28.69
Star Printing	17.94
TOTAL	<u>\$3349.15</u>

Motion carried.

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,
Rick Jones, Secretary

Miles City - Custer County

City-County Planning Board

1905 Main

Miles City, Montana 59301

President: Fred B. Hunnes

Vice-President: Les Mahon

CUSTER COUNTY NEEDS ASSESSMENT

JULY 23, 1984

Public Facilities

1. Fairgrounds Sewer System: The Fairgrounds is currently served by a substandard, potentially hazardous, sewer line. This line was installed in 1983 as a temporary replacement for a failed soil absorption system. The nature of the line makes it susceptible to freezing in the winter, and to potential damage from ice-jams in the early spring. These dangers raise the possible closure of the Fairgrounds until an adequate system can be built.

The economic importance of annual events produced at the Fairgrounds is significant. Cow Capital Turf Club Horse Racing, the Miles City Jaycee Bucking Horse Sale, the Skoal Bandit-Buddy Pauley Ride of Champions, and the Eastern Montana Fair each are responsible for bringing hundreds, if not thousands, of visitors to the Miles City area each year. There is no alternate facility locally capable of handling these events. Custer County has applied to the Montana Water Development Program for a grant of \$117,380 to construct an acceptable sewer main which would connect with the Miles City municipal collection system.

Board Members: Bruce Bergerson, Tom Marum, George Kurkowski,
Les Mahon, Dr. Arlo Nansel, Otto Neuhardt, Tom Pettigrew,
Pat Rogers, Ole Sherwood. Steve Wheeler

mainline. Six street crossings, one of them grade-separated, provide access between the Northwestern and Southeastern halves of the community.

The grade-separated crossing, a street underpass, is frequently flooded by storm runoff. Of the five at-grade crossings, two are ranked in the "12 Most Hazardous Crossings in Montana," according to the MONTANA Department of Highways.

These conditions place the community in an undesirable situation with respect to local access. Not only are normal vehicle traffic flows disrupted, emergency vehicle and pedestrian traffic face significant delays and/or detours. For these reasons, the Board seeks the addition of a second grade-separated crossing.

The County, through the Board, is currently arguing before the Interstate Commerce Commission that construction of the proposed Tongue River Railroad, which would double daily train traffic, would necessitate such a project. Further, under Montana law, the County Commission is empowered to petition the Public Service Commission to require such improvements. These options are under study.

5. Stower Street Extension: Approximately four lineal blocks of undeveloped land stand in the way of providing a direct route between South Haynes Avenue and the Central Business District. Traffic between these major shopping areas must now travel well out of the way, or make a number of turns on to and off of busy streets.

The Board supports the extension of Stower through the property, and will pursue right-of-way discussion with the affected

**Miles City – Custer County
City-County Planning Board**
City Hall
P. O. Box 910
Miles City, Montana 59301
(406) 232-6339

ACT	RTE	MAIL ROUTE	COPY	INT
		DISTRICT ADMINISTRATOR		
		CONSTRUCTION ENGR		
		ASST CONSTRUCTION ENGR		
		Eng Proj Mgrs		
		Eng Officer		
		MAINTENANCE CHIEF - GDV		
		MAINTENANCE CHIEF - MC		
		MAINTENANCE CHIEF - WP		
		Mile Supv G M W		
		Shop Supv G M W		
		Sectionmen G M W		
		ENGINEERING SERVICES ENGR		
		Design Supv		
		Mater'ls Supv		
		Utiliv Agent		
		Traffic Engr		
		Right of Way		
		DIST ADMINISTRATIVE OFFICER		
		PERSONNEL SPECIALIST		
		District File		
		Bulletin Board		

Mr. Bill McChesney
District Administrator
Montana Department of Transportation
P. O. Box 890
Glendive, MT 59330-0890

RE: Miles City - Wilson Street, Stower Street, Strevell Avenue
STPU 8013 (1), 8009 (2), 8006 (1)

Dear Mr. McChesney:

The Miles City - Custer County Planning Board voted unanimously at our Tuesday, March 19, 2002 meeting to reiterate the recommendation made by the Board to the Miles City Council and Custer County Commissioners on December 15, 1998 that Wilson Street, Stower Street from South Strevell to South Haynes Avenue, and South Strevell Avenue be placed as first, second, and third priority for the urban street projects, respectively.

Wilson Street was considered as first priority for:

- Location and service to Medical Center.
- Street width, age, and condition being in need of repair.
- Increased traffic since Medical Center went in.

Stower Street was considered as second priority based on:

- Connection between downtown and South Haynes controlled intersection. Miles City has only one direct route, that being Main Street.
- Eighth Street, which connects to Stower Street, being identified for a possible railroad underpass.
- Diversion of traffic off of Comstock in front of Highland Park School.
- Widening of the street and installation of sidewalks and signage would aid in safer conditions around the school.
- Allow us, the community, to have another through connecting street with proper design for auto and pedestrian use, enhanced safety around the school and church, and eliminating direct travel on the two side streets by Highland Park School.

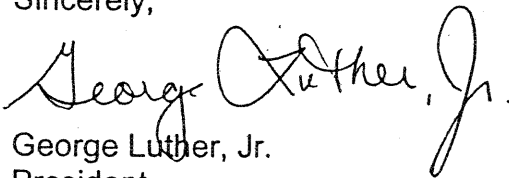
- The Kosty property could sell, be developed, and Stower Street put in place, which would increase the traffic load, flow, speed, etc. on Stower Street. The Board wanted to make sure that the project reflected the need of the community prior to having to react to it being put into place by a developer and the consequences as such action.

South Strevell Avenue was considered as third priority based on:

- Higher use of this road by pedestrians, joggers, and bicycles.
- Narrow road.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in cursive script, reading "George Luther, Jr.", written in dark ink.

George Luther, Jr.
President

GL/pr

cc: Custer County Commissioners
Mike Metzenberg, Mayor, City of Miles City
Planning Board Members

Miles City - Custer County

City-County Planning Board

City Hall
P.O. Box 910
Miles City, Montana 59301
(406) 232-6339

January 8, 1999


Mayor George Kurkowski
City Council Members

The City-County Planning Board recommends to the City Council that the following streets be designated Urban Streets: Wilson Street - first priority; Stower Street, from South Strevell to South Haynes Ave - second priority; and South Strevell - third priority.

The Planning Board held a public meeting October 20, 1998 and heard public comments. Letters and verbal comments regarding Stower Street have been received by the planning office. Comments were positive regarding Wilson and Strevell. Comments were both positive and negative regarding Stower.

Current traffic loads on East Main and Dickinson Streets are a major concern. The Planning Board has been encouraged to find alternative routes for local traffic to relieve traffic pressure on Main and Dickinson. The potential for an underpass to be constructed on 8th Street for crossing the Burlington Northern tracks makes 8th and Stower Street a logical alternative route for the entire community of Miles City. This routing will also assist in the delivery of emergency services when increased railroad traffic from the Tongue River Rail Road makes an additional crossing imperative to public health and safety.

Respectfully,



John Marks
Planner

CITY OF MILES CITY

P.O. Box 910
17 S. 8th Street
Miles City, Montana 59301
Mayor & City Clerk (406) 232-3492
Treasurer & Water Dept. (406) 232-3462
Engineering & Utilities (406) 232-3493
City Hall FAX (406) 232-2903



"Cow Capital of the World"

MAYOR:
George T. Kurkowski
COUNCIL PERSONS:
Sharon Kearnes
Doug Leidholt
Leroy Meidinger
William Melnik
Ruben Oberlander
Jerry Partridge
John Taylor
William Wolf

September 2, 1998

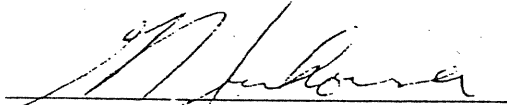
Montana Dept. of Transportation
ATTN: Mick Johnson
PO Box 890
Glendive, MT 59330-0890


RE: Urban System

Dear Mick,

The City of Miles City and Custer County would like to have Stower Street from South Sewell to South Haynes Avenue designated as an Urban Street. The extension of Stower Street would consist of four city blocks, two of which are developed while the others are not yet dedicated.

The extension of Stower Street to South Haynes Avenue will connect two very highly traveled streets in the area and will become extremely important to our traffic system.


Mayor - City of Miles City


Custer County Commission Chairperson

Appendix B: Preliminary Design Plans

[illegible]

LETTING DATE -

**WILSON STREET - MILES CITY
CUSTER COUNTY**

SCALES

VERTICAL: 1:

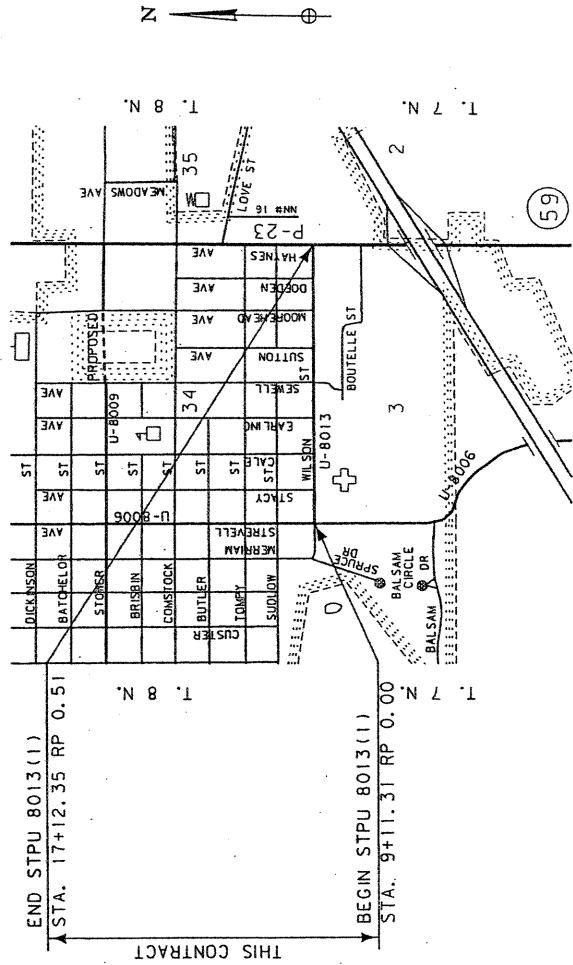
HORIZONTAL: 1


CROSS SECTION - HORIZONTAL & VERTICAL: 1:1

REDUCED PRINTS ONE-HALF ORIGINAL SCALE

ALL SCALES ARE APPROXIMATE

R. 47 E.



<p>MONTANA DEPARTMENT OF TRANSPORTATION</p>			
<p>APPROVED : _____</p> <p>_____ PD</p> <p>DAVID A. GALT DIRECTOR OF TRANSPORTATION</p>	<p>BY _____</p> <p>RECONSTRUCTION ENGINEER</p>		
<p>U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION</p>		<p>DATE _____</p>	
<p>APPROVED : _____</p>		<p>DIVISION ADMINISTRATION</p>	

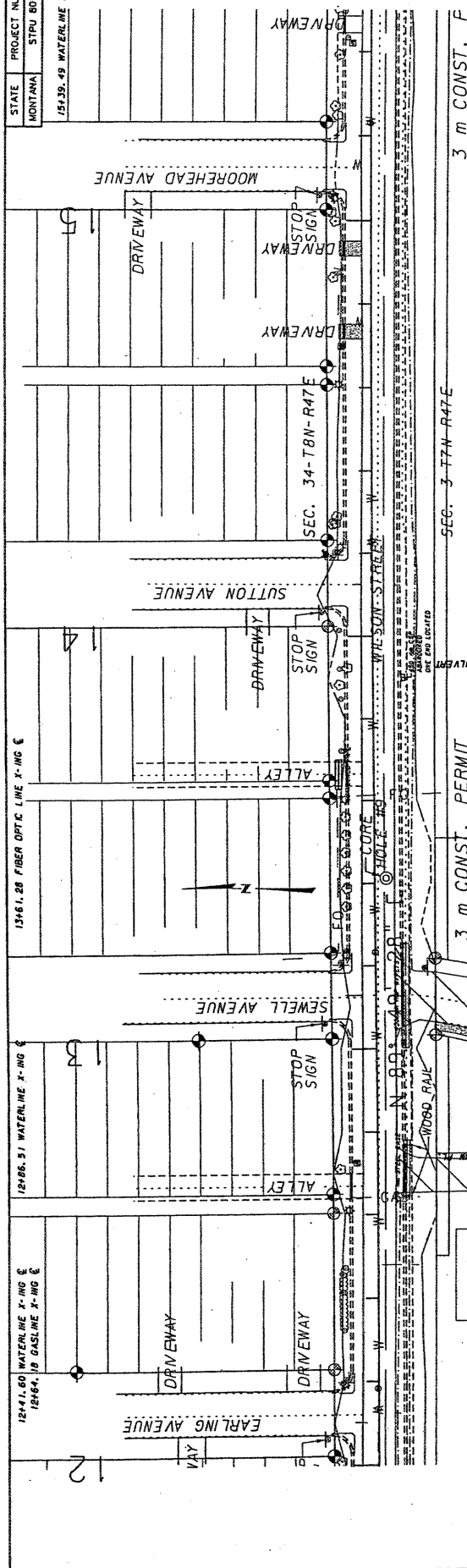
MILES CITY CUSTER COUNTY

MONTANA DEPARTMENT OF TRANSPORTATION

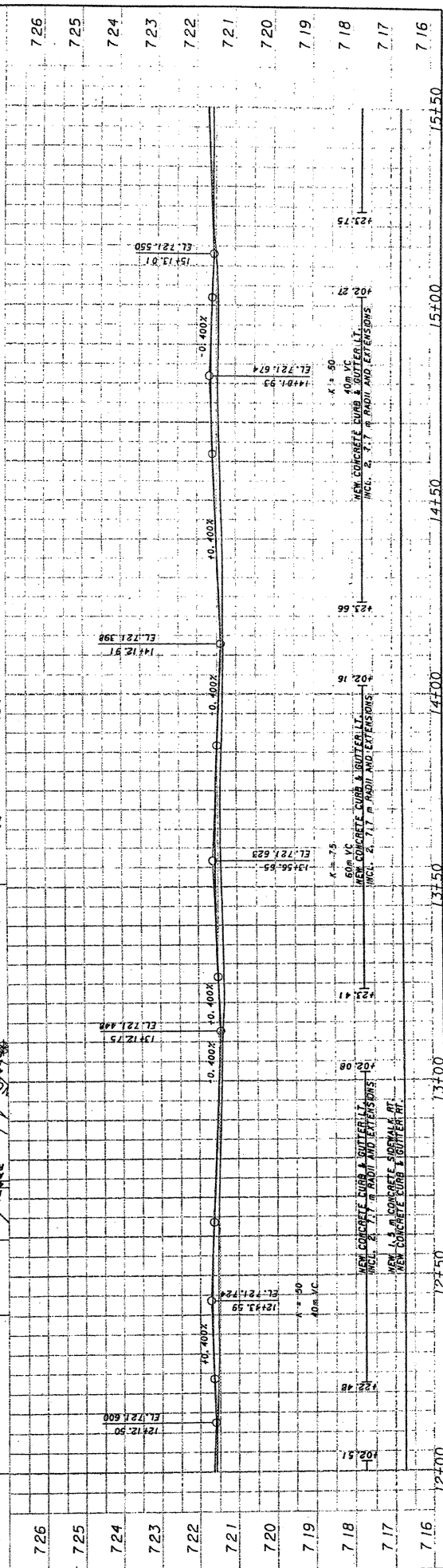
4362rdr001.dgn

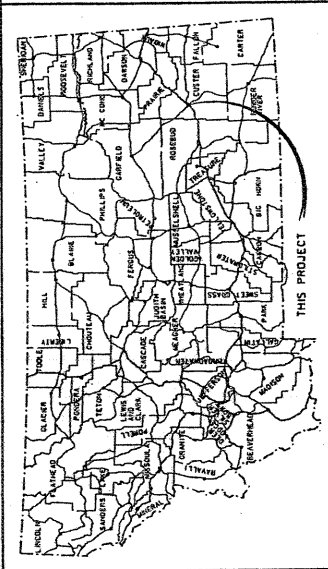
DESIGNED BY	1362HDT11001.DG
DRAWN BY	
APPROVED BY	
REVISED BY	U5379

15439.49 WATERLINE X-ING €



PRELIMINARY



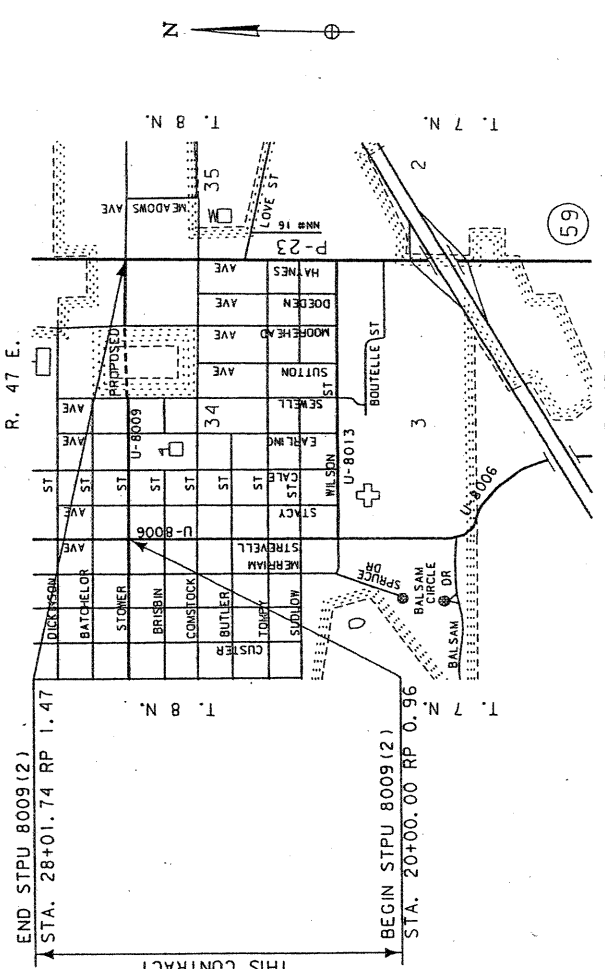


MONTANA DEPARTMENT OF TRANSPORTATION **FEDERAL AID PROJECT STPU 8009(2)** **MINOR GRADING, PL. MIX SURFACING, CURB, GUTTER, SIDEWALK, STORM DRAIN & LANDSCAPING** **STOWER STREET - MILES CITY** **CUSTER COUNTY**

LENGTH 0.80 kilometers

SCALES
 VERTICAL: 1" = 20' 0"
 HORIZONTAL: 1" = 100' 0"
 CROSS SECTION - HORIZONTAL & VERTICAL: 1" = 10' 0"
 REDUCED PRINTS ONE-HALF ORIGINAL SCALE
 ALL SCALES ARE APPROXIMATE

SURFACING SOURCES CONTRACTOR FURNISHED



MILES CITY CUSTER COUNTY

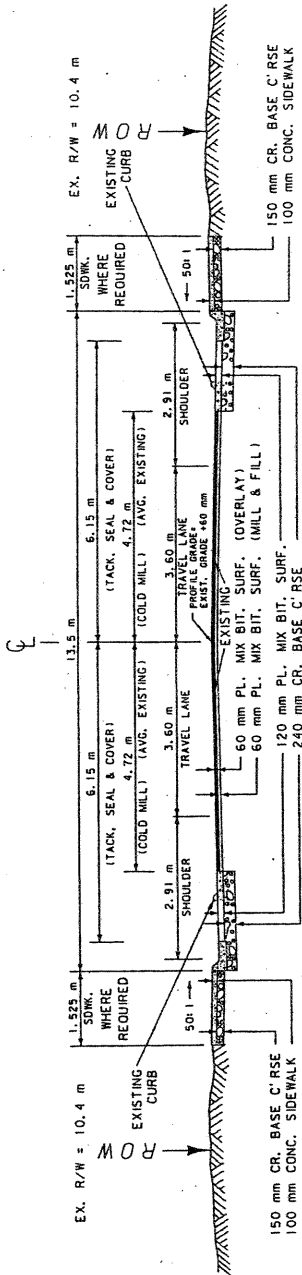
PRELIMINARY
 FOR PLAN IN HAND ONLY

MONTANA DEPARTMENT OF TRANSPORTATION	
APPROVED BY: DAVID A. GALT DIRECTOR OF TRANSPORTATION	APPROVED BY: PRECONSTRUCTION ENGINEER
APPROVED BY: FEDERAL HIGHWAY ADMINISTRATION	APPROVED BY: DIVISION ADMINISTRATION
DATE: _____	DATE: _____

RELATED PROJECTS
ASSOCIATED PROJECT AGREEMENT NUMBERS
R/W & I.C.
P.E.
STPU 8009 (2)

TYPICAL SECTION NO. 1

STA. 20+04.80 TO 24+01.29

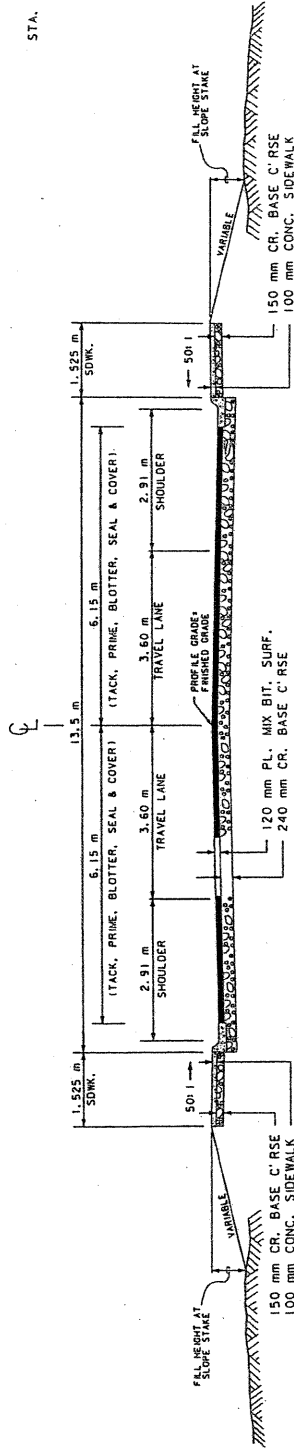


QUANTITIES		AGGREGATE				BITUMINOUS MATERIAL			
UNIT	COVER	PLANT MILL FILL	PLANT OVERLAY	CR. BASE COURSE	COLD MILL	UNIT	ASPHALT CEMENT	SEAL	TACK
AREA square meters	17.2	0.565	0.343	0.859	944	square meters PER STATION	1 230	1 230	1 230
cubic meters PER STATION	17.2	56.6	34.3	86.9		tons PER STATION	2.26		
		129.4	78.4			liters PER STATION	20.23		283

BASED ON R - VALUE = 5

TYPICAL SECTION NO. 2

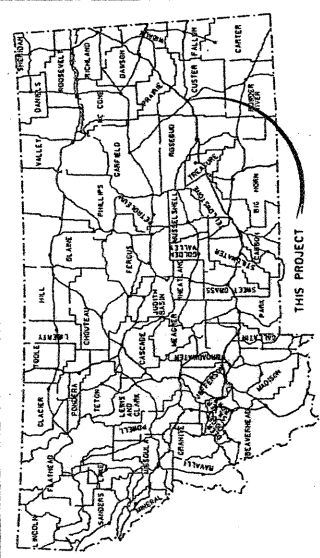
STA. 24+01.29 TO 26+01.54



QUANTITIES		AGGREGATE				BITUMINOUS MATERIAL			
UNIT	COVER	PLANT MIX	BLOTTER SAND SURF. GRADE 4	CR. BASE COURSE	COLD MILL	UNIT	ASPHALT CEMENT	SEAL	TACK
AREA square meters	17.2	1.476	320.4	3.204	944	square meters PER STATION	1 230	1 230	1 230
cubic meters PER STATION	17.2	337.6	10.3	320.4		tons PER STATION	2.26		
		337.6	10.3			liters PER STATION	20.23		283

BASED ON R - VALUE = 5

PRELIMINARY



MONTANA DEPARTMENT OF TRANSPORTATION **FEDERAL AID PROJECT STPU 8006(1)** **MINOR GRADING, PL. MIX SURFACING, CURB, SIDEWALK, A.D.A. UPGRADES & LANDSCAPING** **STREVELL AVENUE - MILES CITY CUSTER COUNTY**

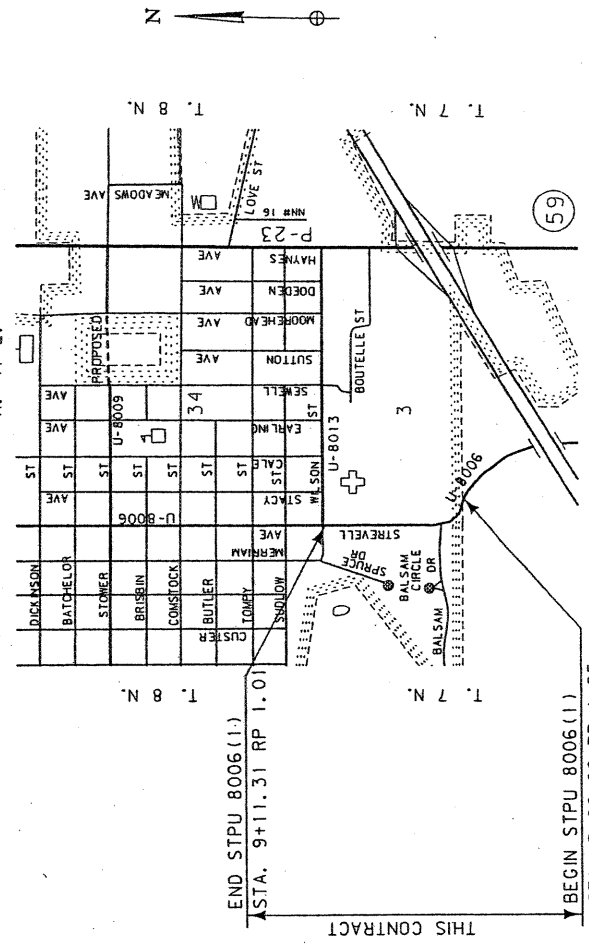
DESIGN DATA	
2002 A.D.T. =	750
2022 A.D.T. =	1170
D.H.V. =	130
T. =	5.0%
V. =	50 mph
80 IN ESAL'S =	15.84
GROWTH RATE =	2.0%

LETTING DATE -

LENGTH 0.41 kilometers

SCALES
 VERTICAL: 1" = 10'
 HORIZONTAL: 1" = 100'
 CROSS SECTION - HORIZONTAL & VERTICAL: 1" = 10'
 REDUCED PRINTS ONE-HALF ORIGINAL SCALE
 ALL SCALES ARE APPROXIMATE

SURFACING SOURCES CONTRACTOR FURNISHED

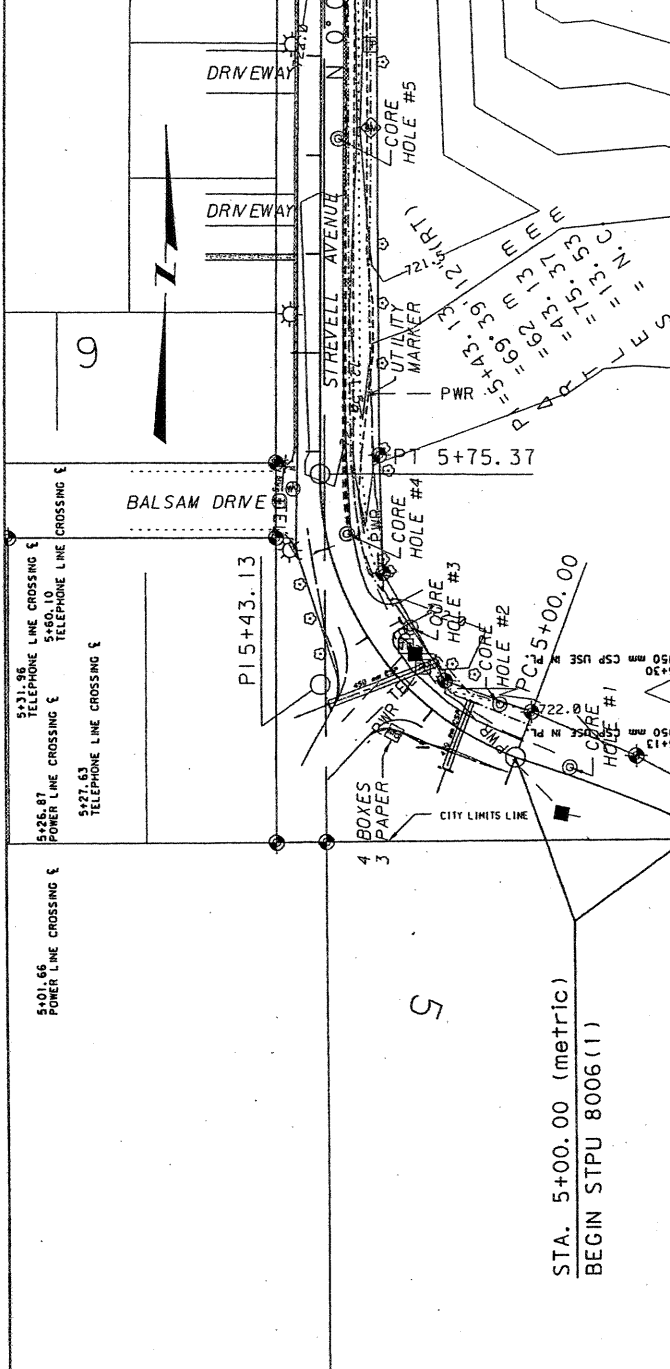


MILES CITY CUSTER COUNTY

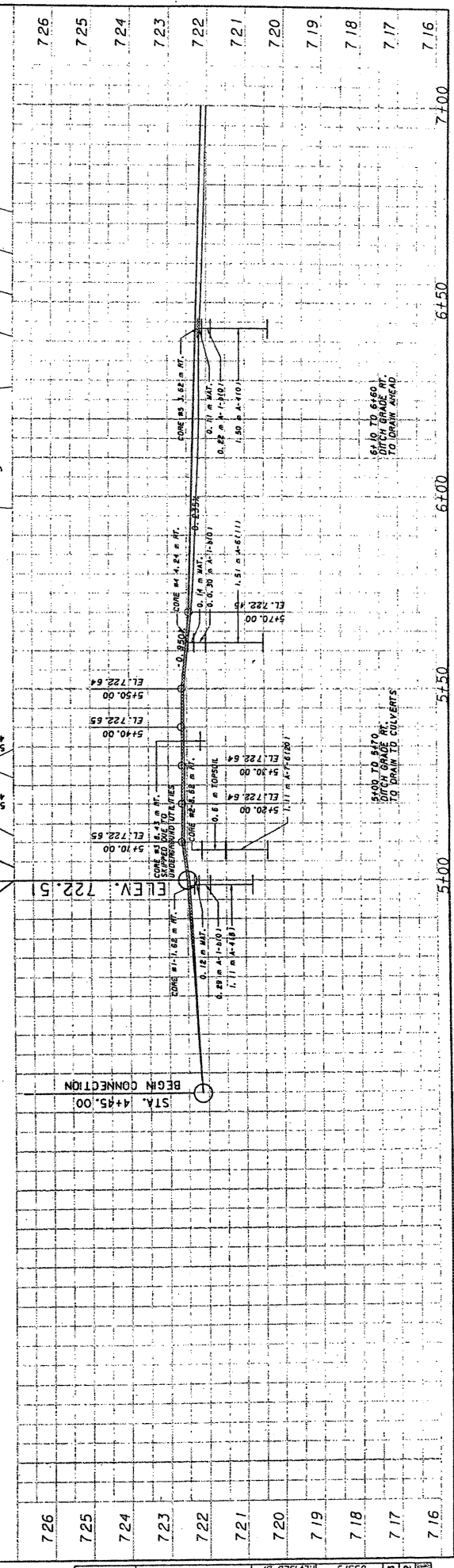
PRELIMINARY
FOR PLAN IN HAND ONLY

MONTANA DEPARTMENT OF TRANSPORTATION	
APPROVED: _____	DATE: _____
DAVID A. GALT DIRECTOR OF TRANSPORTATION	
PRECONSTRUCTION ENGINEER	
U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION	
APPROVED: _____	DATE: _____
DIVISION ADMINISTRATION	

RELATED PROJECTS	
ASSOCIATED PROJECT AGREEMENT NUMBERS	
R/W & U.C.	
P.E.	
CONTROL NO. 458	



PRELIMINARY



Appendix C: Materials Related to the Thomas Shore Property

- Determination of Effect**
- Memorandum of Agreement**

RECEIVED

DEC 04 2002

ENVIRONMENTAL



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

2002022708

February 26, 2002

Mark Baumler
State Historic Preservation Office
1410 8th Avenue
P.O. Box 201202
Helena, MT 59620-1202

REC'D DEC 9 2002

Subject: STPU 8009(2)
Stower Street - Miles City
Control No. 4363

beef
MDT
Stower St - Miles City MOA

REC'D

BY:

Enclosed is the Determination of Effect for the above project in Miles City, Montana. We have determined that the proposed project would have **No Adverse Effect** to the NRHP-eligible Thomas Shore Residence (24CR916) for the reasons specified in the document. We request your concurrence. Also included is a draft Memorandum of Agreement outlining what mitigation measures the MDT proposes for the No Adverse Effect determination. Please review the draft MOA and forward any comments to me. The property owners have been included in the draft document as a concurring party. A copy of it has been forwarded to them.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosures

cc: Bill McChesney, Glendive District Administrator
Carl Peil, P.E., Preconstruction Bureau
Gordon Stockstad, Resources Bureau

CONCUR
MONTANA SHPO
DATE Dec 2002 SIGNED *[Signature]*

signed MOA sent to you
several months ago -
JW

file: MDT/2002

STPU 8009(2)
Stower Street – Miles City
Control No. 4363

Introduction

The Montana Department of Transportation (MDT) intends to widen and rehabilitate 0.51 miles of Stower Street in Miles City, Montana. The project begins at the intersection of South Strevell Street in Miles City and extends easterly 0.51 miles to the intersection of Haynes Avenue. The existing roadway was constructed by the City. The existing roadway is 34-feet wide. Figure 1 shows the project area.

The Stower Street – Miles City project would follow the existing alignment. Approximately 656± feet of new roadway would be constructed from the intersection of Sewell Avenue to the intersection of Moorehead Avenue. It is the intent of the project to widen the roadway to a 42± foot paved surface, including two 12± driving lanes and two 9± parking lanes. The project would also include the installation of new curb and gutter along the entire length of the project. Also included in the project is the installation of 5± foot sidewalks in the areas where no sidewalks currently exist. Some existing trees would be removed to accommodate the wider roadway, but they would be replaced in-kind. All work on Stower Street from Strevell Avenue to Sewell Avenue would be confined to the existing right-of-way (R/W). New R/W would be required from Sewell Avenue to Moorehead Avenue.

Significant Cultural Resources

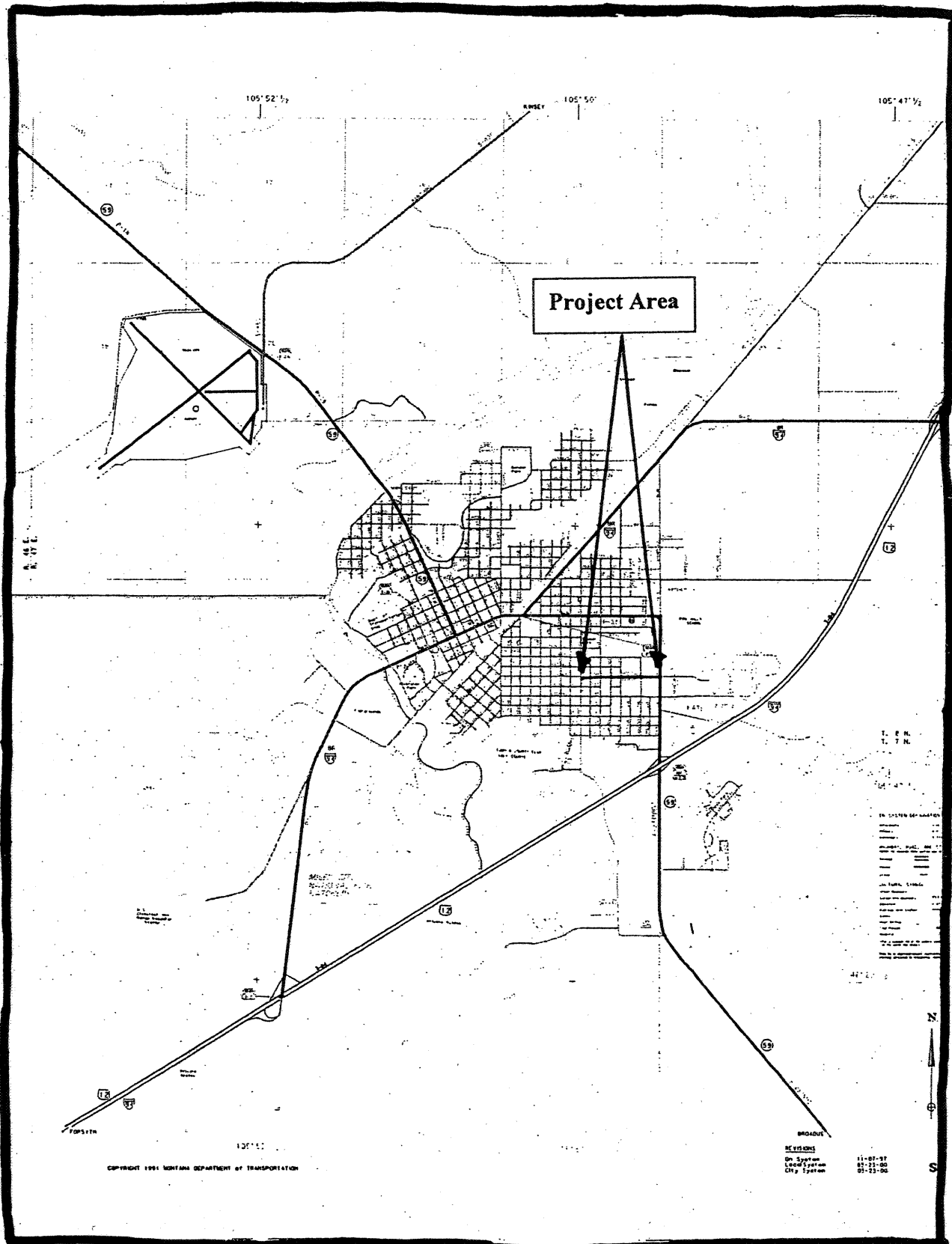
A cultural resource survey of the project area was conducted in 2001. The MDT and the Montana State Historic Preservation (SHPO) concurred in the National Register of Historic Places (NRHP) eligibility of one historic site: the Thomas Shore Residence (24CR916).

Constructed in 1914, the Thomas Shore Residence is a 1½ story Craftsman dwelling that has not been altered since its construction. Because of its association with the early 20th century development of Miles City in the wake of the completion of the Milwaukee Road Railroad and the Homestead Boom and because it retains a very high degree of architectural integrity, the Thomas Shore Residence is eligible for the NRHP under Criteria A and C.

Project Impact

A preliminary design of the Stower Street – Miles City project has been completed and a copy of the plans in the vicinity of the historic site is attached (Figure 2).

At the Thomas Shore Residence (24CR916) the existing centerline would be perpetuated. The roadway would be widened 7± feet from the existing 34-feet to 41± feet. The widening would consist of the addition of wider parking spaces in the vicinity of the site. The project would also include the installation of new curb and gutter and a 5± wide concrete sidewalk. The pavement would be 4± feet closer to the Shore residence with the addition of the 5± wide concrete sidewalk. In all, the improvements would be 9± feet closer to the NRHP-eligible Thomas Shore



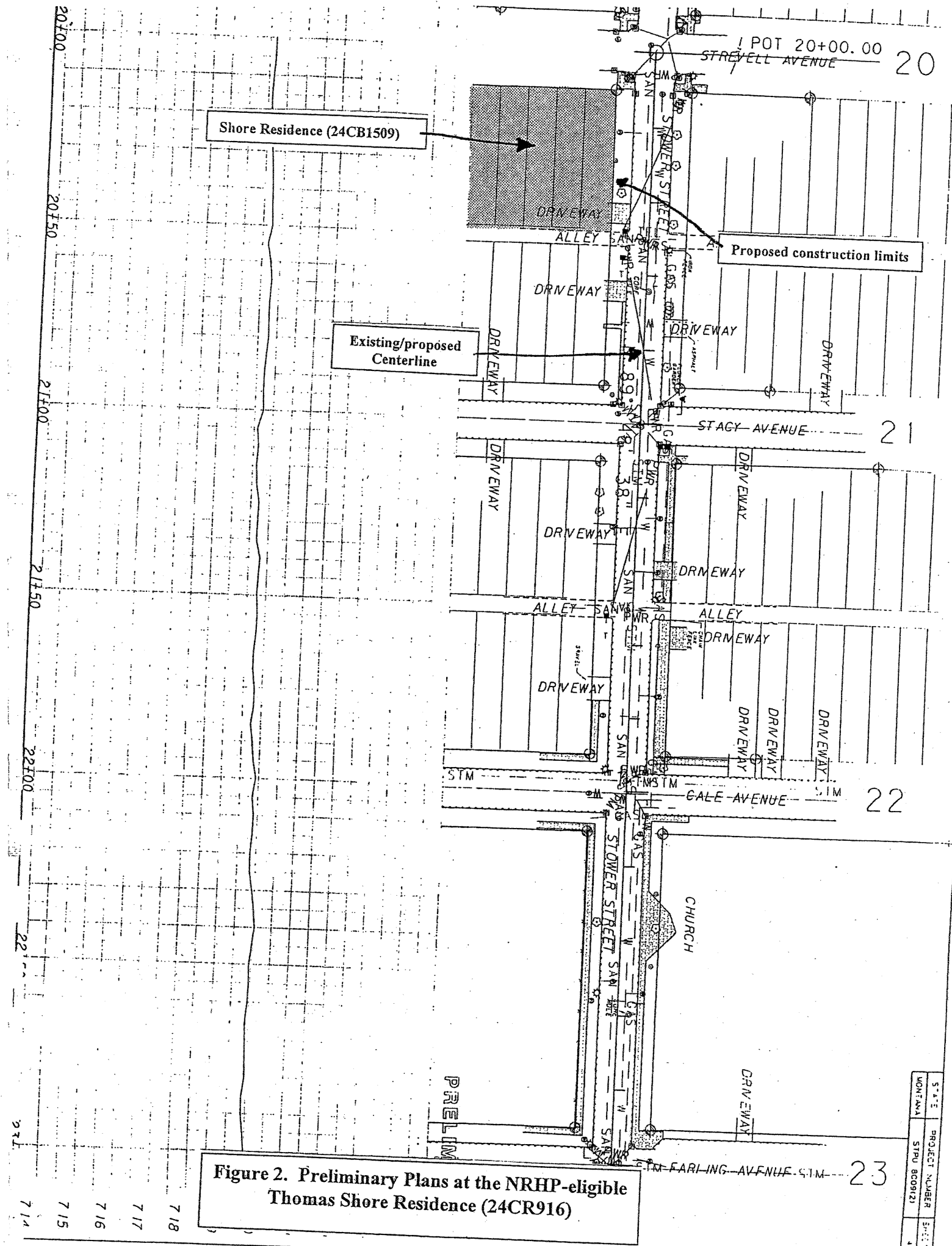
Residence. Two trees along the Stower Street side of the property would be removed. All work in the vicinity of this property would be confined to the existing R/W.

Project Effect

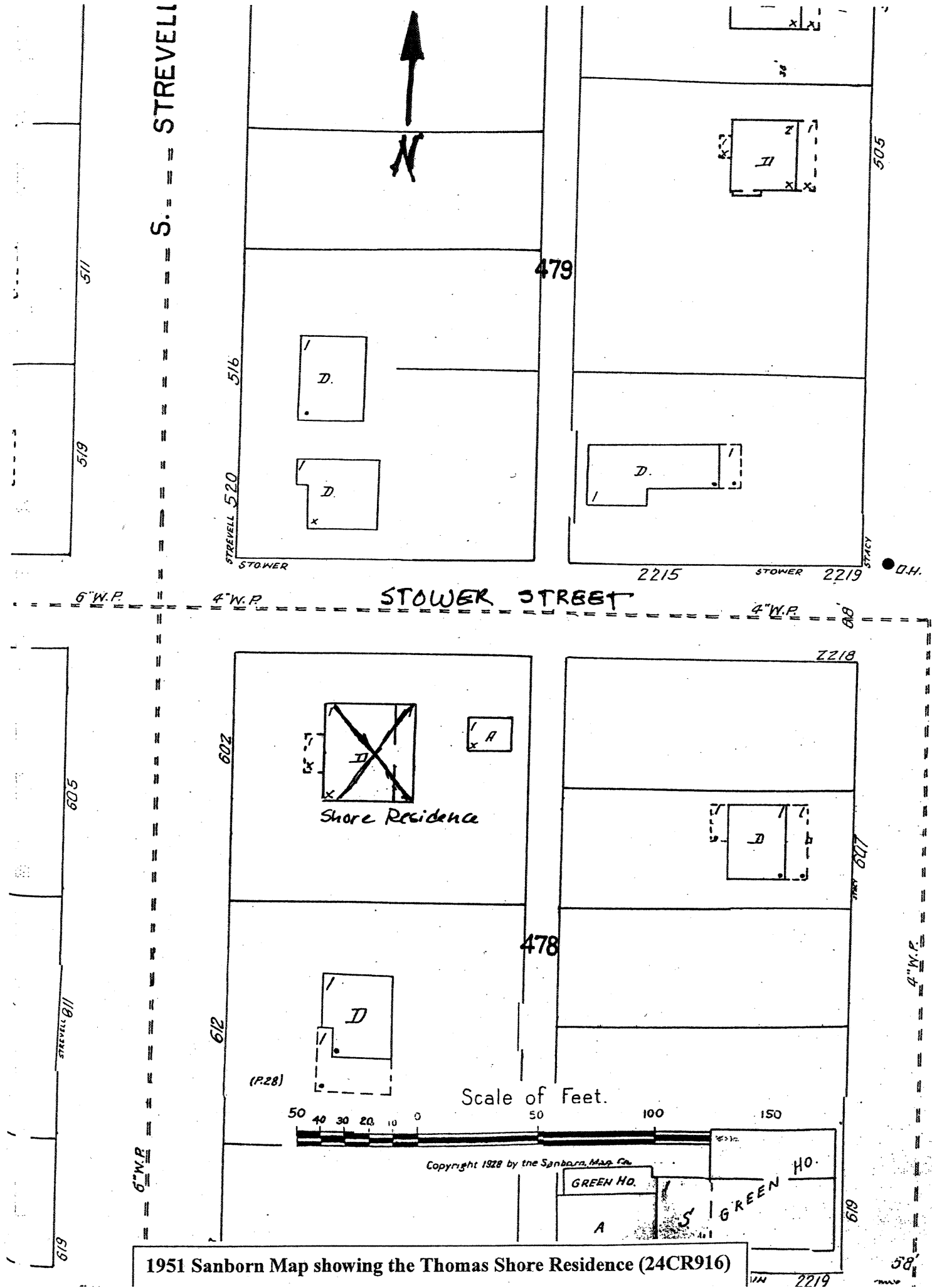
There would be **No Adverse Effect** to the NRHP-eligible Thomas Shore Residence (24CR916). Although the existing centerline would be perpetuated and no additional R/W would be obtained at the site, the roadway would be widened 4± feet closer to the property and a 5± wide sidewalk installed. Two trees would be removed from the existing R/W on the Stower Street side of the property. Three mature ash trees located outside the existing R/W would remain in-place. No construction easements would be required on the property.

While there would be no encroachment on the Shore Residence and the mature landscaping most closely associated with the property would not be altered, there would be a change to the setting of the property with the widening of the road and the addition of the sidewalks, curb and gutter (sidewalk currently exists along the front of the property on Strevell Street). The roadway would remain a two-lane facility with parking spaces added on each side of the street. There would be no significant encroachment on the Shore property and diminishment of the qualities that make the site eligible for the National Register of Historic Places would be perpetuated. The MDT, moreover, would replace all trees removed within the existing R/W with younger trees of the same species and type.

To mitigate the No Adverse Effect to the Thomas Shore Residence (24CR916), the MDT proposes to assist the property owners in listing their property on the National Register of Historic Places. The MDT would also compose and purchase a National Register sign for installation on the property once the site has been listed.



STATE	PROJECT NUMBER	DATE
MONTANA	STPU 8009121	4



1951 Sanborn Map showing the Thomas Shore Residence (24CR916)



Thomas Shore Residence, looking onto Strevell Avenue



Thomas Shore Residence, side adjacent to Stower Street

**MEMORANDUM OF AGREEMENT
STOWER STREET – MILES CITY
CUSTER COUNTY, MONTANA
STPU 8009(2)
Control No. 4363**

WHEREAS the Federal Highway Administration (FHWA) proposes to assist the Montana Department of Transportation (MDT) in funding the Stower Street – Miles City road reconstruction project.

WHEREAS FHWA has determined that the undertaking will have an effect on the Thomas Shore Residence (24CR916), a property eligible for inclusion in the National Register of Historic Places. The FHWA has consulted with the Montana State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800);

WHEREAS MDT and the property owners have participated in the consultation and have been invited to concur in this amended Memorandum of Agreement;

NOW, THEREFORE; FHWA and the Montana SHPO agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

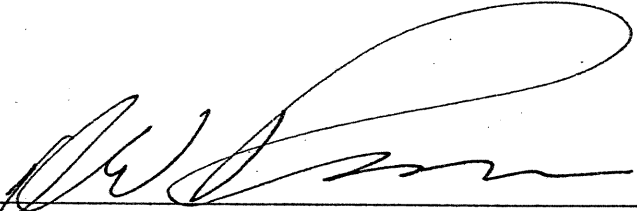
Stipulations

- 1) The MDT will prepare, in consultation with SHPO, a National Register of Historic Places nomination form for the Thomas Shore Residence (24CR916). If the property is listed on the National Register, the MDT will submit a request to the National Register Sign Program to prepare an interpretive marker describing the history and significance of the Thomas Shore Residence. The MDT will pay the costs of fabricating the interpretive sign. The property will be submitted to the State Review Board for review and comment by December 31, 2002. If listed, the National Register sign will be installed by December 31, 2003.
- 2) If the property is denied listing on the National Register of Historic Places by the Montana State Review Board or Keeper of the National Register of Historic Places, the MDT shall contact the National Park Service's Historic American Building Survey (HABS) to determine what level and kind of recordation is required for the Thomas Shore Residence (24CR916). Unless otherwise agreed to by HABS, the MDT shall ensure that all documentation is completed and accepted by HABS prior to the initiation of construction activities in the vicinity of the historic property. The MDT shall ensure that copies of this documentation are provided to SHPO, the Custer County Historical

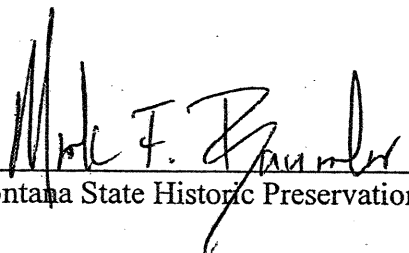
Society, Custer County Historic Preservation Office, Montana Historical Society and the Parmly Billings Library in Billings, Montana. The HABS document will be submitted to the National Park Service by June 30, 2003.

- 3) If a dispute arises regarding the implementation of this Agreement, FHWA shall consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA shall request the further comments of the Advisory Council on Historic Preservation pursuant to the Council's regulations.

EXECUTION OF THIS MEMORANDUM OF AGREEMENT and implementation of its terms evidences that FHWA has afforded the Council an opportunity to comment on the Stower Street - Miles City road reconstruction project and its affects on historic properties, and that FHWA has taken into account the effect of the Undertaking on historic properties.


Federal Highway Administration

4-19-2002
Date


Montana State Historic Preservation Office

8 APRIL 2002
Date

Concurring Parties:


Montana Department of Transportation

March 22, 2002
Date

Patrick and Janet Kelly - property owners

Date

Appendix D: Agency Response Letters



MONTANA
Natural Heritage
Program

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.3009 • <http://nris.state.mt.us>

February 27, 2002

Sue Canniff
419 S. Florence
Sandpoint, Idaho 83864

Dear Sue,

I am writing in response to your request for information on plant and animal species of special concern in the vicinity of Miles City, T08N, R47E, Section 34. We checked our databases for information in this general area and have enclosed 7 species of concern reports, organized by township, range and section, one map and explanatory material.

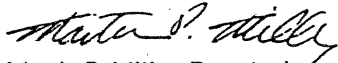
Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern and communities that comprise high-quality wetlands, that occur in an area defined by the requested township, range and section with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area.
- (2) In the report, the term "precision" reflects the quality of the location information. S (second) precision is used when the location of the collection/observation is known within a three-second radius (approximately 10 acres); M (minute) precision is used when the location of the collection /observation is known within a one minute radius (approximately 1.5 miles); and G (general) precision is used when the location of the record/collection is known within a 5 mile radius or to a place name only. Some species locations outside the selection area have imprecisely-known locations and may actually occur within the selection area.
- (3) Location information for animals represents occupied breeding habitat; location information for plants represents known occurrences of plant species, and, like animals, has an implied range that may not be fully conveyed by the mapped data. Most locations are depicted as points, but some, especially those that cover large area, are depicted as polygons on the map. The approximate boundaries of these polygons are color-coded to help differentiate vertebrate classes and plants.
- (4) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (5) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (6) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

- (7) The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

I hope the enclosed information is helpful to you. Please feel free to contact me at (406)-444-2817 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller, Data Assistant
Montana Natural Heritage Program
(martinm@state.mt.us)

7-Feb-02.

Montana Natural Heritage Program

Species of Special Concern: Miles City, T08N, R47E, Section 34

Scientific Name: TRIONYX SPINIFERUS

Common Name: SPINY SOFTSHELL

Global Rank: G5

Forest Service status:

State Rank: S3

USFWS Endangered Species Act Status:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

SINCE 1970: 4 REPORTS ON THE YELLOWSTONE. 5 REPORTS ON THE TONGUE AND ONE ON THE POWDER. THE BOUNDARIES FOR THIS OCCURRENCE ENCOMPASS ALL REPORTED OBSERVATIONS IN THE YELLOWSTONE RIVER DRAINAGE. SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.

Last observation: 1997

Size (acres): 0

General site description:

LARGE RIVERS AND THEIR SANDY BANKS (UP TO 50 METERS FROM WATER - USED FOR NESTING).

Land owner/manager:

BLM: MILES CITY FIELD OFFICE; BLM: BILLINGS FIELD OFFICE; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE LAND - UNDESIGNATED

Comments:

NOTE 3 HISTORIC REPORTS FROM THE BIG HORN RIVER DRAINAGE, AROUND CROW AGENCY.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: YELLOWSTONE RIVER DRAINAGE

County: ROSEBUD; DAWSON; PRAIRIE; CUSTER; BIG HORN; TREASURE; YELLOWSTONE

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft): 1980

Location:

THE YELLOWSTONE RIVER BETWEEN BILLINGS AND INTAKE, PLUS THE TONGUE RIVER AND THE FIRST FEW MILES OF THE POWDER RIVER.

Township\Range:

Section:

TRS comments:

006N039E

17

CENTRUM - MANY ADDITIONAL TOWNSHIPS

17-Feb-02

Montana Natural Heritage Program

Species of Special Concern: Miles City, T08N, R47E, Section 34

Scientific Name: MENTZELIA MONTANA

Common Name: WHITE-BRACT STICKLEAF

Global Rank: G4

Forest Service status:

State Rank: SH

USFWS Endangered Species Act Status:

BLM Status:

Occurrence Type:

Species occurrence data:

IN FLOWER.

Last observation: 1903-08-16

Size (acres):

General site description:

NONE.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

SPECIMEN COLLECTED BY T. W. BLANKINSHIP.

Information source:

Survey site name: MILES CITY

County: CUSTER

USGS quadrangle: MILES CITY

Precision: G

Elevation (ft): 2350

Location:

MILES CITY.

Township\Range:

008N047E

Section:

28

TRS comments:

27-Feb-02

Montana Natural Heritage Program

Species of Special Concern: Miles City, T08N, R47E, Section 34

Scientific Name: CYPERUS SCHWEINITZII

Common Name: SCHWEINITZ' FLATSEDGE

Global Rank: G5

Forest Service status:

State Rank: S2

USFWS Endangered Species Act Status:

BLM Status: WATCH

Occurrence Type:

Species occurrence data:

Last observation: 1977-07-07

Size (acres):

General site description:

Land owner/manager:

FORT KEOGH LIVESTOCK AND RANGE RESEARCH LABORATORY

Comments:

INFORMATION PROVIDED BY MIKE "SHERM" KARL AND BRYON BENNETT, FORT KEOGH.

Information source:

BOTANIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, HELENA, MT 59620-1800.

Survey site name: FORT KEOGH

County: CUSTER

SGS quadrangle: BIG HILL

Precision: M

Elevation (ft): 2380

Location:

FORT KEOGH, "NORTH FOREST SERVICE ROAD." (CA. 2 MILES WEST OF CENTER OF MILES CITY.)

Township\Range:

008N047E

Section:

32

TRS comments:

NW4

27-Feb-02

Montana Natural Heritage Program

Species of Special Concern: Miles City, T08N, R47E, Section 34

Scientific Name: HALIAEETUS LEUCOCEPHALUS

Common Name: BALD EAGLE

Global Rank: G4

Forest Service status: THREATENED

State Rank: S3B.S3N

USFWS Endangered Species Act Status: (PS:LT.PDL)

BLM Status: SPECIAL STATUS

Occurrence Type: NEST SITE & TERRITORY

Species occurrence data:

STATUS: CURRENT. THE MONTANA BALD EAGLE WORKING GROUP (BEWG) ANNUALLY SURVEYS AND COLLECTS DATA ON NEST SITES. CONTACT BEWG COORDINATOR DENNIS FLATH OF MONTANA FISH, WILDLIFE AND PARKS (406-994-6354) FOR MORE INFORMATION ABOUT THIS OCCURRENCE.

Last observation: 1999

Size (acres):

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); PIROGUE ISLAND STATE NATURAL PARK

Comments:

Information source:

FLATH, D. 2000. [MEMO LISTING LOCATION OF BALD EAGLE NESTS AS OF AUGUST, 1999.] UNPUBLISHED REPORT. 11PP.

Survey site name: MURN

County: CUSTER

USGS quadrangle: MILES CITY

Section: M

Elevation (ft): 2330

Location:

ALONG THE YELLOWSTONE RIVER ABOUT 4 MILES BELOW MILES CITY.

Township\Range:

Section:

TRS comments:

008N047E

14

27-Feb-02

Montana Natural Heritage Program

Species of Special Concern: Miles City, T08N, R47E, Section 34

Scientific Name: HYBOPSIS GELIDA

Common Name: STURGEON CHUB

Global Rank: G3

Forest Service status:

State Rank: S2

USFWS Endangered Species Act Status: C

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

A WIDESPREAD POPULATION, FAIRLY ABUNDANT.

Last observation: 1996

Size (acres): 0

General site description:

TURBID WATERS WITH MODERATE CURRENTS & DEPTHS.

Land owner/manager:

FORT PECK INDIAN RESERVATION; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND
(INDIVIDUAL OR CORPORATE); STATE LAND - UNDESIGNATED

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED. HISTORICALLY REPORTED FROM LOWER
MILK, TETON & TONGUE RIVERS.

Information source:

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN
MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

County: DAWSON; CUSTER; VALLEY; ROOSEVELT; RICHLAND; MCCONE; WIBAUX; PRAIRIE; POWDER
RIVER

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Section: G

Elevation (ft): 1860

Location:

MISSOURI RIVER BELOW FORT PECK DREDGE CUTS; YELLOWSTONE RIVER BELOW MILES CITY; POWDER
RIVER TO WYOMING BORDER.

Township\Range:

Section:

TRS comments:

018N056E

36

CENTROID--OCCURRENCE EXTENDS OVER NUMEROUS TOWNSHIPS

27-Feb-02

Montana Natural Heritage Program

Species of Special Concern: Miles City, T08N, R47E, Section 34

Scientific Name: CYCLEPTUS ELONGATUS

Common Name: BLUE SUCKER

Global Rank: G3G4

Forest Service status:

State Rank: S2S3

USFWS Endangered Species Act Status:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

POPULATION APPEARS TO BE HEALTHY AND STABLE.

Last observation: 1995

Size (acres):

General site description:

PREFER SWIFT CURRENT HABITATS; SPAWN IN TRIBUTARIES & MAINSTEMS.

Land owner/manager:

FORT PECK RESERVOIR; FORT PECK INDIAN RESERVATION; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE LAND - UNDESIGNATED

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL KNOWN.

Information source:

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

County: VALLEY; CUSTER; ROOSEVELT; RICHLAND; MCCONE; DAWSON; WIBAUX; PRAIRIE; ROSEBUD

USGS quadrangle: (EXTENDS OVER MULTIPLE QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW FORT PECK; MILK RIVER BELOW HINSDALE; LOWER MOST REACH OF BIG MUDDY CREEK; YELLOWSTONE RIVER BELOW CARTERSVILLE; TONGUE RIVER BELOW GARLAND.

Township/Range:

Section:

TRS comments:

026N041E

5

EXTENDS OVER MULTIPLE TOWNSHIPS

27-Feb-02

Montana Natural Heritage Program

Species of Special Concern: Miles City, T08N, R47E, Section 34

Scientific Name: POLYODON SPATHULA

Common Name: PADDLEFISH

Global Rank: G4

Forest Service status:

State Rank: SIS2

USFWS Endangered Species Act Status:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

FISH RESIDE IN GARRISON RESERVOIR IN NORTH DAKOTA. THE FORT PECK DREDGE CUTS AND POSSIBLY SOME RIVER REACHES. THEY MIGRATE INTO THE RIVER REACHES, ON HIGH FLOWS IN THE SPRING, TO SPAWN.

Last observation: 1996

Size (acres):

General site description:

OCCASIONAL FISH REPORTED IN THE YELLOWSTONE ABOVE CARTERSVILLE DAM, IN THE BIGHORN AND IN THE TONGUE.

Land and owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: MILES CITY FIELD OFFICE; FORT PECK INDIAN RESERVATION; STATE LAND - UNDESIGNATED

Comments:

THOUGH REPORTED AT THE TURN OF THE CENTURY, PADDLEFISH APPARENTLY DISAPPEARED FROM THESE WATERS UNTIL THE EARLY 1960s, WHEN THE MATURING POPULATION RESIDENT IN GARRISON RESERVOIR BEGAN ASCENDING THE MISSOURI AND YELLOWSTONE RIVERS TO SPAWN.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: YELLOWSTONE & LOWER MISSOURI RIVERS

County: RICHLAND; PRAIRIE; CUSTER; DAWSON; MCCONE; ROOSEVELT; ROSEBUD; VALLEY; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW FORT PECK DAM, MILK RIVER BELOW VANDALIA DAM AND YELLOWSTONE RIVER BELOW FORSYTH.

Township\Range:

Section:

TRS comments:

028N055E

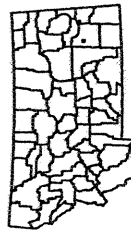
34

EXTENDS OVER MULTIPLE TOWNSHIPS

Montana Species of Concern Miles City T08N, R47E, Section 34

Biological Data
 ▲ Animal
 ● Plant
 ◇ Other
 ◇ (Fish, Birds, &/or Herps) Fluvial Occurrences
 Search Area

Land Status
 BLM (BuRec)
 CoE & other DoD
 NPS
 USFS
 Other USDA
 USFWS
 BIA Trust
 Tribal
 State Trust
 DRWP
 University & Institutions
 County & City
 Plum Creek
 Private Conservation
 Other Private
 Water



Species locations depicted outside the search area have imprecisely known locations and may actually occur within the search area.
 Not all legend items may occur on map.

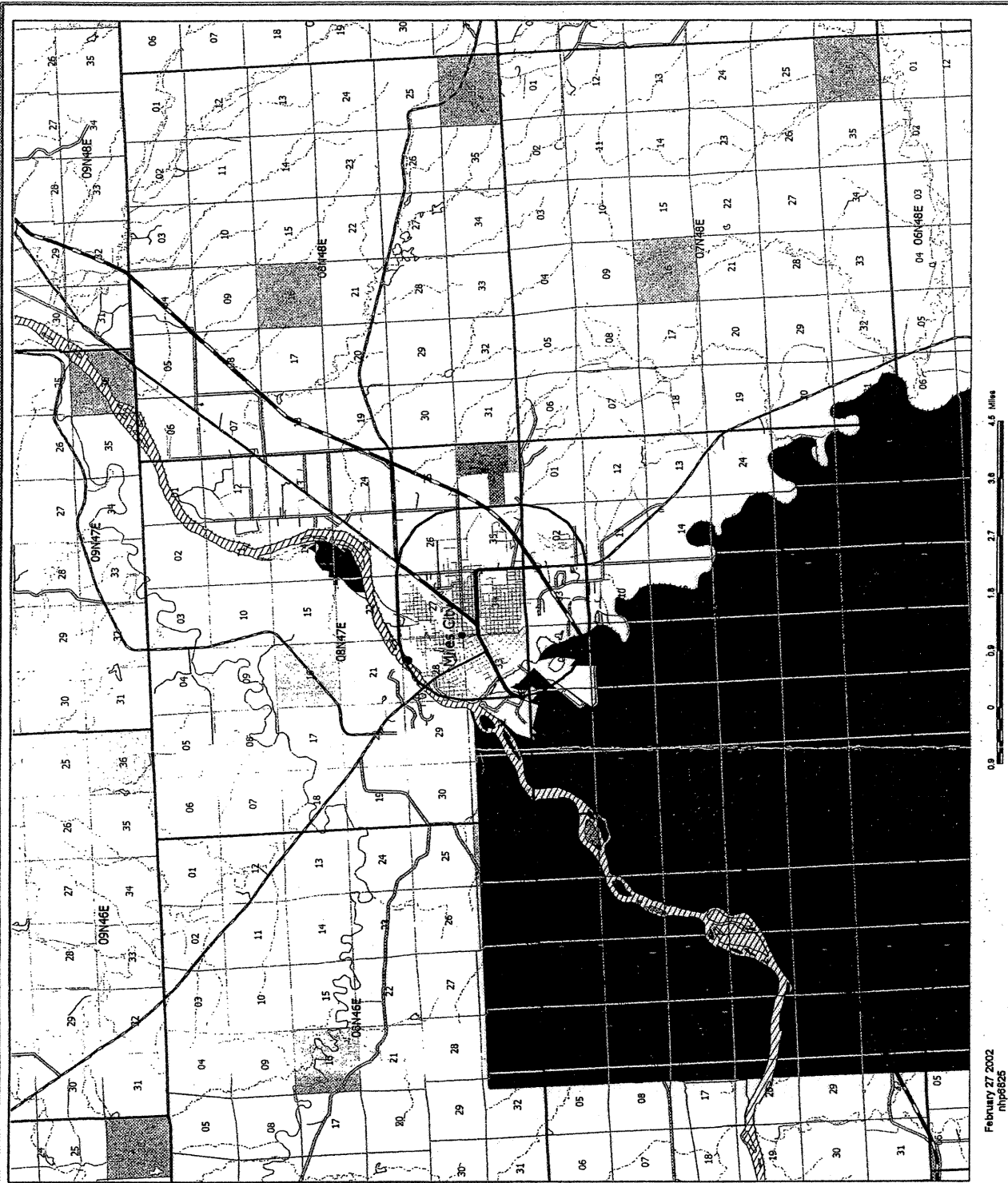
Features shown on this map do not imply public access to any lands.

This map displays management status, which may differ from ownership.

Refer to accompanying documentation for full explanation of map features.

MONTANA
 Natural Heritage
 Program
 Natural Resources Information System
 100 West 2nd Street, Suite 100
 Helena, MT 59601
 (406) 443-2020 mnhp@state.mt.us

February 27, 2002
 nhp6825



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ENVIRONMENTAL

MONTANA
Natural Heritage
ProgramP.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.3009 • <http://nris.state.mt.us>

November 20, 2001

Jean Riley
MDT
P.O. Box 201001
Helena, Montana 59620-1001

Dear Jean,

I am writing in response to your request for information on plant and animal species of special concern in the vicinity of three projects in Miles City, Custer County, MDT CN 4361, 4362 and 4363. We checked our databases for information in this general area and have enclosed 4 species of concern reports, organized by township, range and section, and one map.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern and communities that comprise high-quality wetlands, that occur in an area defined by the requested project location with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area.
- (2) In the report, the term "precision" reflects the quality of the location information. S (second) precision is used when the location of the collection/observation is known within a three-second radius (approximately 10 acres); M (minute) precision is used when the location of the collection/observation is known within a one minute radius (approximately 1.5 miles); and G (general) precision is used when the location of the record/collection is known within a 5 mile radius or to a place name only. Some species locations outside the selection area have imprecisely-known locations and may actually occur within the selection area.
- (3) Location information for animals represents occupied breeding habitat; location information for plants represents known occurrences of plant species, and, like animals, has an implied range that may not be fully conveyed by the mapped data. Most locations are depicted as points, but some, especially those that cover large area, are depicted as polygons on the map. The approximate boundaries of these polygons are color-coded to help differentiate vertebrate classes and plants.
- (4) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (5) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (6) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

- (7) The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

I hope the enclosed information is helpful to you. Please feel free to contact me at (406)-444-2817 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller, Data Assistant
Montana Natural Heritage Program
(martinm@state.mt.us)

20-Nov-01

Montana Natural Heritage Program

Species of Special Concern: Miles City, Custer County
MDT CN 4361, 4362 and 4363

Scientific Name: TRIONYX SPINIFERUS

Common Name: SPINY SOFTSHELL

Global Rank G5

Forest Service status:

State Rank: S3

USFWS Endangered Species Act Status:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

SINCE 1970: 4 REPORTS ON THE YELLOWSTONE, 5 REPORTS ON THE TONGUE AND ONE ON THE POWDER.
THE BOUNDARIES FOR THIS OCCURRENCE ENCOMPASS ALL REPORTED OBSERVATIONS IN THE
YELLOWSTONE RIVER DRAINAGE. SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.

Last observation: 1997

Size (acres): 0

General site description:

LARGE RIVERS AND THEIR SANDY BANKS (UP TO 50 METERS FROM WATER - USED FOR NESTING).

Land owner/manager

BLM: MILES CITY FIELD OFFICE; BLM: BILLINGS FIELD OFFICE; BLM: MILES CITY FIELD OFFICE;
PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE LAND - UNDESIGNATED

Comments:

NOTE 3 HISTORIC REPORTS FROM THE BIG HORN RIVER DRAINAGE, AROUND CROW AGENCY.

Information source

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800,
HELENA, MT 59620-1800. 406/444-3009.

Survey site name: YELLOWSTONE RIVER DRAINAGE

County: ROSEBUD; DAWSON; PRAIRIE; CUSTER; BIG HORN; TREASURE; YELLOWSTONE

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft): 1980

Location:

THE YELLOWSTONE RIVER BETWEEN BILLINGS AND INTAKE, PLUS THE TONGUE RIVER AND THE FIRST
FEW MILES OF THE POWDER RIVER.

Township\Range:

Section:

TRS comments:

006N039E

17

CENTRUM - MANY ADDITIONAL TOWNSHIPS

20-Nov-01

Montana Natural Heritage Program

Species of Special Concern: Miles City, Custer County
MDT CN 4361, 4362 and 4363

Scientific Name: MENTZELIA MONTANA

Common Name: WHITE-BRACT STICKLEAF

Global Rank G4

Forest Service status:

State Rank: SH

USFWS Endangered Species Act Status:

BLM Status:

Occurrence Type:

Species occurrence data:

IN FLOWER.

Last observation: 1903-08-16

Size (acres):

General site description:

NONE.

Land owner/manager

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

SPECIMEN COLLECTED BY T. W. BLANKINSHIP.

Information source

Survey site name: MILES CITY

County: CUSTER

USGS quadrangle: MILES CITY

Precision: G

Elevation (ft): 2350

Location:

MILES CITY.

Township\Range:

008N047E

Section:

28

TRS comments:

20-Nov-01

Montana Natural Heritage Program

Species of Special Concern: Miles City, Custer County
MDT CN 4361, 4362 and 4363

Scientific Name: CYPERUS SCHWEINITZII

Common Name: SCHWEINITZ' FLATSEGE

Global Rank G5

Forest Service status:

State Rank: S2

USFWS Endangered Species Act Status:

BLM Status: WATCH

Occurrence Type:

Species occurrence data:

Last observation: 1977-07-07

Size (acres):

General site description:

Land owner/manager

FORT KEOGH LIVESTOCK AND RANGE RESEARCH LABORATORY

Comments:

INFORMATION PROVIDED BY MIKE "SHERM" KARL AND BRYON BENNETT, FORT KEOGH.

Information source

BOTANIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, HELENA, MT 59620-1800.

Survey site name: FORT KEOGH

County: CUSTER

USGS quadrangle: BIG HILL

Precision: M

Elevation (ft): 2380

Location:

FORT KEOGH, "NORTH FOREST SERVICE ROAD." (CA. 2 MILES WEST OF CENTER OF MILES CITY.)

Township/Range:	Section:	TRS comments:
008N047E	32	NW4

20-Nov-01

Montana Natural Heritage Program

Species of Special Concern: Miles City, Custer County
MDT CN 4361, 4362 and 4363

Scientific Name: CYCLEPTUS ELONGATUS

Common Name: BLUE SUCKER

Global Rank G3

Forest Service status:

State Rank: S3?

USFWS Endangered Species Act Status:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

POPULATION APPEARS TO BE HEALTHY AND STABLE.

Last observation: 1995

Size (acres):

General site description:

PREFER SWIFT CURRENT HABITATS; SPAWN IN TRIBUTARIES & MAINSTEMS.

Land owner/manager

FORT PECK RESERVOIR; FORT PECK INDIAN RESERVATION; BLM: MILES CITY FIELD OFFICE;
PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE LAND - UNDESIGNATED

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL KNOWN.

Information source

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN
MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

County: VALLEY; CUSTER; ROOSEVELT; RICHLAND; MCCONE; DAWSON; WIBAUX; PRAIRIE;
ROSEBUD

USGS quadrangle: (EXTENDS OVER MULTIPLE QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW FORT PECK; MILK RIVER BELOW HINSDALE; LOWER MOST REACH OF BIG
MUDDY CREEK; YELLOWSTONE RIVER BELOW CARTERSVILLE; TONGUE RIVER BELOW GARLAND.

Township\Range:

Section:

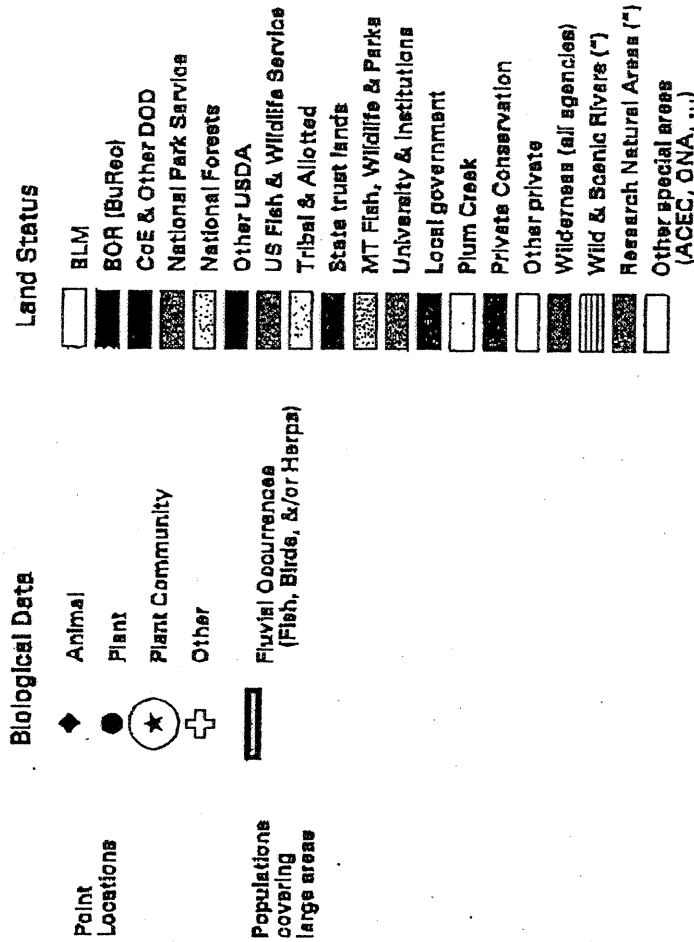
TRS comments:

026N041E

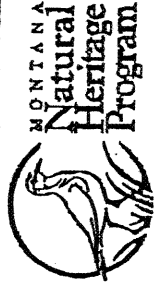
5

EXTENDS OVER MULTIPLE TOWNSHIPS

Montana Species of Concern Miles City, Custer County MDT CN 4361, 4362 & 4363

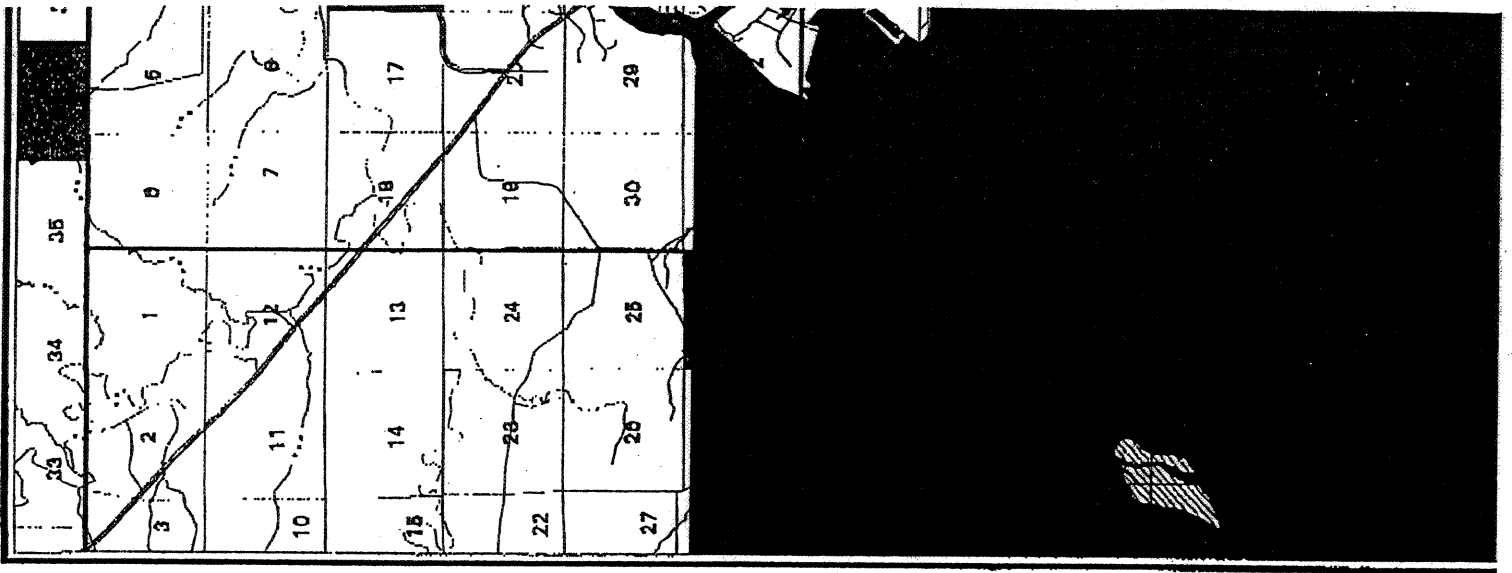


- Species locations depicted outside the search area have imprecisely-known locations and may actually occur within the search area.
- Not all legend items may occur on map.
- Features shown on this map do not imply public access to any lands.
- Refer to accompanying documentation for full explanation of map features.



Natural Resource Information System
Montana State Library
PO Box 20100
Helena, MT 59610-0100
(406) 444-4375 cny@mt.gov

Request nhp6571
November 20, 2001





Region Seven Headquarters, P.O. Box 1630, Miles City, MT 59301
Telephone (406) 232-0913 – FAX (406) 232-4368 – e-mail
Dhyppa@state.mt.us

January 18, 2002

Jean Riley
Engineering Bureau
Montana Department of Transportation
PO Box 201001
Helena MT 59620

RE: MILES CITY PROJECTS
WILSON ST – STPU 8013 (1)
STOWER ST – STPU 8009 (2)
STREVELL AVE – STPU 8006 (1)

These projects will not have significant adverse impacts to terrestrial or aquatic wildlife or to their critical habitats. FWP has no objections to them.

Sincerely,

Don Hyypa
Region Seven Supervisor

C: Kristin Kenyon, David Evans and Associates, Inc



United States Department of the Interior

FISH AND WILDLIFE SERVICE

MONTANA FIELD OFFICE

100 N. PARK, SUITE 320

HELENA, MONTANA 59601

PHONE (406) 449-5225, FAX (406) 449-5339

DEC 12 2001

ENVIRONMENTAL

M.44 MDT (I)

December 7, 2001

Jean Riley
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, Montana 59620-1001

Dear Ms. Riley:

This is in response to your November 14 letter regarding the Montana Department of Transportation (Department) proposal to rehabilitate three local streets within Miles City in Custer County, Montana (STPU 8013(1), Wilson Street - Miles City, Control No. 4362; STPU 8009(2), Stower Street - Miles City, Control No. 4363; and STPU 8006(1), Strevell Avenue - Miles City, Control No. 4361). Your letter requested a list of threatened and endangered (T/E) species from the US Fish and Wildlife Service (Service) that may occur near the proposed project sites, and any information we may have regarding Service resources that may be affected pursuant to S.4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303). A request that the Service be a Cooperating Agency with regards to these projects was also contained in your letter. The Service's Montana Field Office received your letter on November 16. These comments have been prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et. seq.*) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et. seq.*).

The proposed projects are all located in residential areas within Miles City. Based on the information accompanying your letter, proposed work activities would primarily include adding curbs and gutters, and repaving street surfaces. Some new roadway construction would occur through a short section of vacant field. Considering the specific scope, nature and location of these projects, we do not anticipate the occurrence of any listed, proposed, or candidate species in the vicinity of the proposed projects. Therefore, the Service does not anticipate any project related adverse impacts to T/E, proposed or candidate species, or any critical habitat.

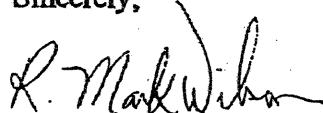
We are not aware of any Service-owned or administered lands, or other resources protected under S.4(f) of the 1966 Department of Transportation Act that may occur near, or be impacted by, the proposed projects.

The Service agrees to be a Cooperating Agency for this project. As such, the Service will review and respond to documents required for compliance with the Endangered Species Act, and the Fish and Wildlife Coordination Act.

Your letter did not indicate whether wetlands might be impacted by the proposed project. If so, Corps of Engineers (Corps) Section 404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable and prudent based on the information available at that time.

This concludes consultation on this project and no further review under S.7 of the Act is necessary. We appreciate your efforts to consider and conserve fish and wildlife resources, including T/E species. If you have questions regarding this letter, please contact Mr. Scott Jackson, of my staff, at (406)449-5225, ext. 201.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Mark Wilson". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

R. Mark Wilson
Field Supervisor

Copy to: Todd Tillinger, COE, Helena, MT



United States Department of the Interior

FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
100 N PARK, SUITE 320
HELENA MT 59601

MASTER FILE
COPY

cc: Karl Helde
Biologists

RECEIVED

NOV 21 1996

November 19, 1996

File: M.44

ENVIRONMENTAL

Gordon J. Stockstad
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

Dear Mr. Stockstad:

This is in response to your November 7, letter requesting a statewide list of Federally listed endangered and threatened species that may occur in Montana. This list should continue to be updated annually to ensure accuracy as the distribution and status of listed and candidate species changes.

In accordance with section 7(c) of the Act, the Service has determined that the following listed, proposed, and category 1 candidate species may be present in Montana.

Listed Species	Scientific Name	Status	Range-Montana
Bald eagle	(<i>Haliaeetus leucocephalus</i>)	T	Forested riparian: statewide
Peregrine falcon	(<i>Falco peregrinus</i>)	E	Near cliffs and wetlands; statewide
Grizzly Bear	(<i>Ursus arctos horribilis</i>)	T	Alpine/subalpine coniferous forest; West. MT
Black-footed Ferret	(<i>Mustela nigripes</i>)	E	Prairie dog complexes; East MT.
Gray Wolf	(<i>Canis lupus</i>)	E	Forests; West. MT.
Whooping Crane	(<i>Grus americana</i>)	E	Wetlands; migrant statewide
Piping Plover	(<i>Charadrius melodus</i>)	T	Missouri River sandbars, alkaline beaches; NE MT.



United States Department of the Interior

MASTER FILE
COPY

FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

RECEIVED

ECOLOGICAL SERVICES
100 N. PARK AVE., SUITE 320
HELENA, MT 59601

cc: Biologists

MAR 22 1996

7408

March 20, 1996

ENVIRONMENTAL

Dear Cooperator:

The U.S. Fish and Wildlife Service published the updated notice of Review of plant and animal taxa that are candidates for listing as threatened or endangered in the February 28, 1996, Federal Register (61 FR 7596). Beginning with this notice, the Service will recognize as candidates only those plant and animal species for which the Service has sufficient information on their biological status and threats to propose listing them as endangered or threatened under the Endangered Species Act (Act). Formerly, such species were considered Category 1 candidate species. A list of Montana's candidates is attached.

The Service encourages the conservation of candidates through partnerships and in environmental planning, although candidate species receive no statutory protection under the Act. Through publication of this notice, the Service is soliciting any new information that may be available on the biology, status, distribution, and threats (or the lack thereof) for any of these candidates.

The Service will no longer maintain a list of Category 2 candidates. Generally, the list of Category 2 species duplicated efforts by other agencies or groups to track "species of concern" and resulted in confusion regarding their status. The Service will continue to rely on scientific information from State, private, and public sources, particularly the Natural Heritage Programs, to evaluate species for consideration as candidates.

Please distribute this material to all staff and others who may find this information useful. Questions, comments, or requests for copies of the Federal Register notice should be directed to Lori Nordstrom, at the letterhead address or phone (406) 449-5225.

Sincerely,

Kemper M. McMaster
Field Supervisor
Montana Field Office

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978

December 21, 2001

Helena Regulatory Office
301 South Park, Drawer 10014
Helena, Montana 59626-0014
Phone (406) 441-1375
Fax (406) 441-1380

Subject: Corps File Number 2001-90-782
STPU 8013(1), STPU 8009(2), STPU 8006(1) - Miles City Streets
MDT Control Numbers 4362, 4363, 4361

Ms. Jean A. Riley - Engineering Bureau Chief
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, Montana 59620-1001

Dear Ms. Riley:

We have reviewed your request for Department of the Army (DA) authorization to perform rehabilitation work on three streets in Miles City. The projects are located in the community of Miles City in Custer County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material below the ordinary high water mark of our nation's rivers, streams, lakes or wetlands. A review of the projects has shown there will be no work in Waters of the United States; as a result, the projects are not subject to Department of Army regulatory authorities and no permit is required from the US Army Corps of Engineers.

Although a Corps permit will not be required for these projects, this does not eliminate the requirement that you obtain all other applicable Federal, state, tribal or local permits as required. Please note that deviations from the original plans and specifications of your project could require other authorizations from this office.

If you have any questions, please call Todd Tillinger of this office at (406) 441-1375, and reference Corps File Number 2001-90-782.

Sincerely,

For: [Signature]
Allan Steinle
Montana Program Manager